

## CHAPTER 391 - PERSONNEL

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NOTE: Section 9 of chapter 133, Statutes of Nevada 2011, at p. 654, has been codified as [NRS 392.860](#).

## GENERAL PROVISIONS

**NRS 391.002 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 391.005](#) and [391.008](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2003, 19th Special Session, 69](#))

**NRS 391.005 “Commission” defined.** “Commission” means the Commission on Professional Standards in Education.

(Added to NRS by [1987, 994](#); A [2003, 19th Special Session, 70](#))

**NRS 391.008 “Paraprofessional” defined.**

1. “Paraprofessional” means a person who is employed by and assigned by a school district or charter school to:

- (a) Provide one-on-one tutoring for a pupil;
- (b) Assist with the management of a classroom, including, without limitation, organizing instructional materials;
- (c) Provide assistance in a computer laboratory;
- (d) Conduct parental involvement activities in conjunction with one or more duties set forth in this subsection;
- (e) Provide support in a library or media center;
- (f) Except as otherwise provided in subsection 2, provide services as a translator; or
- (g) Provide instructional services to pupils under the direct supervision of a licensed teacher.

2. The term “paraprofessional” does not include a person who:

- (a) Is proficient in the English language and a language other than English and who provides services as a translator primarily to enhance the participation of children in programs that are financially supported pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.
- (b) Solely conducts parental involvement activities.

(Added to NRS by [2003, 19th Special Session, 69](#))

## COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

**NRS 391.009 Superintendent of Public Instruction required to ensure Commission carries out duties successfully.** The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Commission set forth in this chapter are carried out by the Commission successfully.

(Added to NRS by [2011, 2309](#))

**NRS 391.011 Creation; membership.**

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

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

- (a) One who teaches in a secondary school.
- (b) One who teaches in a middle school or junior high school.
- (c) One who teaches in an elementary school.
- (d) One who teaches special education.

3. The remaining members of the Commission must include:

- (a) One counselor or psychologist employed by a school district.
- (b) Two administrators of schools, at least one of whom must be a principal of a school.



(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 general public.

4. The appointments of a counselor, the administrators and three of the four teachers 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; or

(b) For administrators, by an organization of administrators for schools in which the majority of administrators of schools in this State have membership.

5. One member of the Commission who is a teacher, administrator, counselor or psychologist must be employed by a private school licensed pursuant to [chapter 394](#) of NRS.

(Added to NRS by [1987, 994](#); A [1991, 2378](#); [1993, 339](#); [1997, 1115](#))

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

(Added to NRS by [1987, 995](#))

**NRS 391.015 Officers.**

1. The Commission shall elect one of its members as 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.

(Added to NRS by [1987, 995](#))

**NRS 391.017 Meetings; quorum; travel expenses and subsistence allowances.**

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.

(Added to NRS by [1987, 995](#))

**NRS 391.019 Regulations prescribing qualifications for licensure; fields of specialization in teaching; endorsements; issuance of licenses pursuant to alternative routes. [Effective through June 30, 2019.]**

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.

È 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 [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.

È An applicant for licensure pursuant to this paragraph is exempt from each examination required by [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.

(Added to NRS by [1987, 995](#); A [1993, 441](#); [1995, 149](#); [2001, 1777](#); [2001 Special Session, 181, 188](#); [2003, 19th Special Session, 70, 71](#); [2005, 92, 1670, 2548](#); [2007, 172, 501](#); [2009, 470, 472, 601, 603, 1850, 2374, 2376](#); [2011, 1980, 2622, 3097](#); [2013, 3413](#))

**NRS 391.019 Regulations prescribing qualifications for licensure; fields of specialization in teaching; endorsements; issuance of licenses pursuant to alternative routes. [Effective July 1, 2019.]**

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.

(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.

Ê 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 [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.

Ê An applicant for licensure pursuant to this paragraph is exempt from each examination required by [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.

(Added to NRS by [1987, 995](#); A [1993, 441](#); [1995, 149](#); [2001, 1777](#); [2001 Special Session, 181, 188](#); [2003, 19th Special Session, 70, 71](#); [2005, 92, 1670, 2548](#); [2007, 172, 501](#); [2009, 470, 472, 601, 603, 1850, 2374, 2376](#); [2011, 1980, 2622, 3097](#); [2013, 3413, 3415](#), effective July 1, 2019)

**NRS 391.021 Regulations governing examinations for initial licensure; Commission authorized to provide exemption.** 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 examinations must test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;
2. The Constitution of the State of Nevada; and
3. The Constitution of the United States.

Ê 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 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.

(Added to NRS by [1987, 996](#); A [2001, 365](#); [2005, 1671](#); [2009, 604](#); [2011, 2624, 3099](#))

**NRS 391.023 Regulations for relief from other regulations and for resolution of medical or administrative conflicts.** The Commission may adopt regulations which provide relief from the strict application of the terms of its regulations relating to the licensure of teachers and other educational personnel for the resolution of medical or administrative conflicts. The conflicts must be resolved within 6 months after the date the relief is granted.

(Added to NRS by [1987, 1490](#))

**NRS 391.027 Approval or disapproval of Commission's regulations by State Board of Education.**

1. The State Board may disapprove any regulation adopted by the Commission.
2. A regulation shall be deemed approved if the State Board does not disapprove the regulation within 90 days after it is adopted by the Commission.

(Added to NRS by [1987, 996](#); A [2011, 2310](#))

**NRS 391.028 Annual report concerning status of Commission's regulations and work plan.** On or before December 1 of each year, the Commission shall submit a written report to the State Board and the Legislative Committee on Education. The report must include, without limitation:

1. A summary of the regulations adopted by the Commission and the status of those regulations;
2. A work plan which designates the proposed activities of the Commission during the next year; and
3. A description of the progress and status of each regulation relating to the licensure of educational personnel which the Commission is required to adopt pursuant to a legislative measure enacted within the two previous regular sessions of the Legislature or any special session of the Legislature occurring within that time. If the Commission has not adopted a required regulation, the Commission shall include in the report a detailed explanation describing the reasons each regulation was not adopted.

(Added to NRS by [2011, 2309](#))

**NRS 391.029 Provision of personnel; location of offices.**

1. The personnel necessary to enable the Commission to carry out its duties must be provided by the Department.

2. The offices for the Commission may be located in the same building as the offices of the Department.

(Added to NRS by [1987, 996](#))

**LICENSING OF EDUCATIONAL PERSONNEL**

**NRS 391.031 Kinds of licenses.** There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. 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.

3. 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.

4. A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.

5. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

6. 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](#).

[323:32:1956]—(NRS A 1977, 222; 1979, 1601; [1987, 997](#); [2003, 19th Special Session, 71](#); [2005, 93](#); [2007, 503](#); [2009, 1852](#); [2011, 788, 2625, 3100](#))

**NRS 391.0315 Issuance of additional license to teach outside grade level of experience; application; qualifications; exemption from student teaching under certain circumstances.**

1. A person licensed to teach elementary education, middle school or junior high school education or secondary education in this State may apply for and the Superintendent of Public Instruction may issue to that person an additional license to teach elementary education, middle school or junior high school education or secondary education, other than for teaching pupils with disabilities, which is outside the person's grade level of experience if the applicant meets the course work requirements and qualifications for the license.

2. A licensed teacher who applies for an additional license pursuant to this section must not be required to participate in a program of student teaching as a condition for the issuance of the additional license if the applicant has 3 years of verified teaching experience.

(Added to NRS by [2009, 601](#))

**NRS 391.032 Conditional licenses; reciprocal licensure of educational personnel from other states; Commission authorized to adopt regulations for reciprocal licensure that provide exemption from examinations.**

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

(Added to NRS by [1989, 1162](#); A [1995, 9](#); [2001, 365](#); [2009, 605](#); [2011, 789, 2625](#))

**NRS 391.033 Issuance of licenses; fingerprinting of applicants; provisional licensure authorized. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

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 6 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](#).  
[324:32:1956]—(NRS A 1967, 817; 1969, 128; 1977, 223; 1979, 1601; [1987, 997](#); [1995, 1909](#); [1997, 2050](#); [2003, 2848](#); [2005, 2420](#); [2011, 993](#))

**NRS 391.033 Issuance of licenses; fingerprinting of applicants; provisional licensure authorized. [Effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

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. 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 6 of [NRS 179A.075](#), and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant. The Superintendent may issue a provisional license pending receipt of the reports if the Superintendent determines that the applicant is otherwise qualified.

3. A license must be issued to, or renewed for, as applicable, an applicant if the Superintendent determines that the applicant is qualified and:

(a) 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 do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(b) The Superintendent determines, in his or her discretion, that any conviction indicated in the reports on the criminal history of the applicant 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.

[324:32:1956]—(NRS A 1967, 817; 1969, 128; 1977, 223; 1979, 1601; [1987, 997](#); [1995, 1909](#); [1997, 2050](#); [2003, 2848](#); [2005, 2420](#), [2421](#); [2011, 993](#), effective on the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

**NRS 391.034 Additional requirements for issuance and renewal of license: Statement regarding obligation of child support; grounds for denial of license; duty of Superintendent of Public Instruction. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]**

1. An applicant for the issuance or renewal of a license issued pursuant to this chapter shall submit to the Superintendent of Public Instruction the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.

2. The Commission shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commission.

3. A license may not be issued or renewed by the Superintendent of Public Instruction pursuant to this chapter if the applicant:

- (a) Fails to submit the statement required pursuant to subsection 1; or
- (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Superintendent of Public Instruction shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

(Added to NRS by [1997, 2049](#))

**NRS 391.0345 Additional requirements for renewal of license: Information regarding whether applicant has state business license; grounds for nonrenewal. [Effective January 1, 2014.]**

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license as a teacher or other educational personnel must indicate in the application submitted to the Superintendent of Public Instruction whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the state business license number assigned by the Secretary of State upon compliance with the provisions of [chapter 76](#) of NRS.

2. A license may not be renewed by the Superintendent of Public Instruction if:

- (a) The applicant fails to submit the information required by subsection 1; or
- (b) The State Controller has informed the Superintendent of Public Instruction pursuant to subsection 5 of [NRS 353C.1965](#) that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:
  - (1) Satisfied the debt;
  - (2) Entered into an agreement for the payment of the debt pursuant to [NRS 353C.130](#); or
  - (3) Demonstrated that the debt is not valid.

3. As used in this section:

- (a) "Agency" has the meaning ascribed to it in [NRS 353C.020](#).
- (b) "Debt" has the meaning ascribed to it in [NRS 353C.040](#).

(Added to NRS by [2013, 2728](#), effective January 1, 2014)

**NRS 391.035 Confidentiality of application; exceptions.**

1. Except as otherwise provided in [NRS 239.0115](#), an application to the Superintendent of Public Instruction for a license as a teacher or to perform other educational functions and all documents in the Department's file relating to the application, including:

- (a) The applicant's health records;
- (b) The applicant's fingerprints and any report from the Federal Bureau of Investigation or the Central Repository for Nevada Records of Criminal History;
- (c) Transcripts of the applicant's records at colleges or other educational institutions;
- (d) The applicant's scores on the examinations administered pursuant to the regulations adopted by the Commission;
- (e) Any correspondence concerning the application; and
- (f) Any other personal information,

Ê are confidential.

2. It is unlawful to disclose or release the information in an application or any related document except pursuant to paragraph (d) of subsection 6 of [NRS 179A.075](#) or the applicant's written authorization.

3. The Department shall, upon request, make available the applicant's file for inspection by the applicant during regular business hours.

(Added to NRS by 1983, 769; A [1987, 998](#); [1995, 1910](#); [2007, 2099](#))

**NRS 391.037 Regulations by State Board for approval of teacher training courses offered by educational institutions; satisfactory completion of course of study required of applicants for licensure; exception.**

1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph (1) of paragraph (a) or paragraph (g) or (j) of subsection 1 of [NRS 391.019](#), an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the State Board pursuant to subsection 1.

(Added to NRS by [1987, 996](#); A [1993, 442](#); [2005, 93, 1672](#); [2007, 504](#); [2011, 2626, 3100](#))

**NRS 391.038 Review, evaluation and approval of course of study and training required for licensure of educational personnel; fee for review.**

1. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers, the board of trustees of each school district in this State and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

- (a) The licensure of teachers or other educational personnel;
- (b) The renewal of licenses of teachers or other educational personnel; or
- (c) An endorsement in a field of specialization.

É If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the State Board, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to [NRS 389.520](#).

2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.

3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.

4. The State Board, in consultation with educational institutions in this State which offer courses of study and training for the education of teachers and other educational personnel, and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators, shall adopt regulations governing the approval by the State Board of courses of study and training which are

accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.

5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.

(Added to NRS by [1987, 996](#); A [1995, 1382](#); [1999, 3389](#))

**NRS 391.039 Annual evaluation by State Board concerning courses of study and training approved by Commission for licensure as teacher or administrator; posting of evaluation on Department's website.**

1. The State Board shall, on an annual basis, evaluate each provider approved by the State Board or the Commission to offer a course of study or training designed to qualify a person to be a teacher or administrator or to perform other educational functions, including, without limitation, a qualified provider approved by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of [NRS 391.019](#) to offer an alternative route to licensure. The evaluation must include, without limitation, for each provider, the number of persons:

(a) Who received a license pursuant to this chapter after completing the education, course of study or training offered by the provider; and

(b) Identified in paragraph (a) who are employed by a school district or a charter school in this State after receiving a license and information relating to the performance evaluations of those persons conducted by the school district or charter school. The information relating to the performance evaluations must be reported in an aggregated format and not reveal the identity of a person.

2. The Department shall post on its Internet website the evaluation conducted pursuant to subsection 1.

(Added to NRS by [2011, 2621, 3096](#))

**NRS 391.040 Fees for issuance and renewal of licenses.**

1. The Commission shall fix fees of not less than \$65 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.

[326:32:1956]—(NRS A 1965, 1074; 1977, 223; 1979, 1601; 1983, 676; [1987, 998](#); [1995, 172](#); [2001, 2603](#); [2011, 993](#))

**NRS 391.042 Department required to maintain directory of licensed educational personnel and provide school districts with electronic list of licenses that will expire; school district required to notify licensee of date of expiration.**

1. The Department shall:

(a) Maintain a directory of the name of each person who holds a license issued pursuant to this chapter and the date on which his or her license expires;

(b) Make the directory readily available to licensed educational personnel and to the general public on the Internet website maintained by the Department; and

(c) Provide to the board of trustees of each school district, at the end of each calendar month, an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month.

2. The board of trustees of a school district shall notify each licensed employee identified in the list received pursuant to paragraph (c) of subsection 1 of the date on which his or her license will expire. The notice must be provided not later than 6 months before the date of expiration of the license.

(Added to NRS by [2007, 311](#); A [2011, 1958](#))

**NRS 391.045 Directory of licensed personnel to be filed with clerk of board of trustees.** 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 386.590](#) and [386.595](#), 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.

(Added to NRS by 1979, 1600; A [1987, 998](#); [1997, 1871](#))

**NRS 391.051 License is revocable privilege.** The purpose of licensing teachers and other educational personnel is to protect the general welfare of the people of this state. Any license issued by the Superintendent of Public Instruction is a revocable privilege and no holder of such a license acquires thereby any vested right.

(Added to NRS by [1987, 996](#))

#### PROCEDURE FOR NOTIFICATION AND TRACKING OF CRIMINAL CASES INVOLVING LICENSEES

**NRS 391.053 "Arrest" defined.** As used in [NRS 391.053](#) to [391.059](#), inclusive, "arrest" has the meaning ascribed to it in [NRS 171.104](#).

(Added to NRS by [2007, 425](#); A [2011, 994](#))

**NRS 391.055 Adoption of procedure by Department; notification of arrest required of school district or charter school; maintenance of file on licensee.**

1. The Department shall adopt regulations that establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed pursuant to this chapter. The procedure must include, without limitation:

(a) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of the arrest of a person who is licensed pursuant to this chapter if:

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

(I) May be a ground for the suspension or revocation of the 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 school district or charter school has knowledge of that arrest.

(b) A method by which the superintendent of schools of a school district and the administrative head of a charter school must notify the Department in a timely manner of:

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

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

(c) The steps that 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 licensee for the documentation and monitoring of the status of the case.

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

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

(b) The reason why the licensee was arrested;

(c) The steps taken by the Department in response to all notices received by the Department from a school district or charter school pursuant to subsection 1;

(d) An indication whether the case was referred to the Attorney General's office for review and the date of the referral, if any;

(e) An indication whether the Superintendent of Public Instruction has presented the case to the State Board for action and the type of action recommended by the Superintendent, if any;

(f) A description of any action taken by the State Board against the licensee and the reason for that action or, if no action is taken by the State Board, the reason for the inaction; and

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

3. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the Superintendent of Public Instruction shall immediately recommend that the State Board proceed in accordance with the provisions of [NRS 391.320](#) to [391.361](#), inclusive.

4. If the Department maintains a file on a licensee pursuant to this section and the State Board determines that there is not sufficient evidence to suspend or revoke the license, the file and any related documents must not be made a part of that licensee's permanent employment record.

(Added to NRS by [2007, 425](#))

**NRS 391.056 Adoption of policy by board of trustees requiring licensed employees to report arrests for or convictions of a crime; contents of policy.** The board of trustees of each school district and the governing body of each charter school shall 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. 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.

(Added to NRS by [2011, 992](#))

**NRS 391.057 Timely submission of information by school district or charter school.** The superintendent of schools of each school district and the administrative head of each charter school shall submit all information required by the Department pursuant to [NRS 391.055](#) within the time prescribed by the Department.

(Added to NRS by [2007, 426](#))

**NRS 391.059 Immunity from liability for certain persons who provide information or conduct investigation.** Immunity from civil or criminal liability extends to every person who, pursuant to [NRS 391.053](#) to [391.059](#), inclusive, in good faith:

1. Participates in the making of a report;

2. Causes or conducts an investigation of a person who is licensed pursuant to this chapter and who is arrested; or

3. Submits information to the Department concerning a person who is licensed pursuant to this chapter and who is arrested.

(Added to NRS by [2007, 426](#); A [2011, 994](#))

#### QUALIFICATIONS AND REQUIREMENTS OF TEACHERS AND OTHER EMPLOYEES

**NRS 391.060 Citizenship requirements for licensure and employment; exception for certain qualified persons who are not citizens if school district demonstrates shortage; limitation on licensure and employment of persons who are not citizens; penalty.**

1. Except as otherwise provided in this section and [NRS 391.070](#), it is unlawful for:

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

(b) The State Controller or any county auditor to issue any warrant to any teacher, instructor, principal or superintendent of schools who is not a citizen of the United States or a person who has filed a valid declaration to become a citizen or valid petition for naturalization, or who is not a lawful permanent resident of the United States.

2. Upon the request of a school district, the Superintendent of Public Instruction may issue a license to a person who does not meet the requirements of subsection 1 but is otherwise entitled to work in the United States pursuant to federal laws and regulations if:

(a) The school district has demonstrated to the satisfaction of the Superintendent of Public Instruction that a shortage of teachers exists in the subject area for which the person is qualified;

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

(c) The school district agrees to employ the person to teach in the subject area for which there is a shortage of teachers.

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

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

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

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

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

4. Upon compliance with all applicable federal laws and regulations, the board of trustees of a school district may employ a person who does not meet the requirements of subsection 1 if the person holds a license issued by the Superintendent of Public Instruction pursuant to subsection 2. A teacher's employment with a school district pursuant to this subsection automatically expires on the date that he or she is no longer entitled to work in the United States pursuant to federal laws and regulations.

5. The State Controller or a county auditor may issue a warrant to a teacher who is employed pursuant to subsection 4.

6. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

[328:32:1956]—(NRS A 1967, 564; 1971, 218; 1979, 1601; [1987, 998](#); [1999, 3313](#); [2001 Special Session, 181](#))

**NRS 391.070 Employment of alien teacher through program of exchange permitted.** The board of trustees of a school district or the governing body of a charter school may employ a teacher or instructor authorized to teach in the United States under the teacher exchange programs authorized by laws of the Congress of the United States.

[329:32:1956]—(NRS A 1979, 1602; [1999, 3314](#))

**NRS 391.080 Official oath for licensed employees; exception; persons authorized to administer oath.**

1. Each teacher or other licensed employee employed in this state whose compensation is payable out of public money, except teachers employed pursuant to the provisions of subsection 4 of [NRS 391.060](#) or [NRS 391.070](#), must take and subscribe to the constitutional oath of office before entering upon the discharge of his or her duties.

2. The oath of office, when taken and subscribed, must be filed with the Department.

3. The Superintendent of Public Instruction, the deputy superintendents and other members of the professional staff of the Department designated by the Superintendent, members of boards of trustees of school districts, superintendents of schools, principals of schools and notaries public may administer the oath of office to teachers and other licensed employees.

[330:32:1956]—(NRS A 1959, 805; 1969, 127; 1979, 1602; [1987, 830, 999](#); [2001 Special Session, 182](#))

**NRS 391.090 Educational personnel required to show knowledge of United States Constitution and Nevada's Constitution.**

1. Any person who is:

(a) Granted a license to teach or perform other educational functions in the public schools of Nevada, in the school conducted at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS or for any program of instruction for kindergarten or grades 1 to 12, inclusive, conducted at any correctional institution in the Department of Corrections; or

(b) Charged with the duty at the Nevada Youth Training Center, the Caliente Youth Center or any other state facility for the detention of children that is operated pursuant to title 5 of NRS of giving instruction in the Constitution of the United States and the Constitution of the State of Nevada, must show, by examination or credentials showing college, university or normal school study, satisfactory evidence of adequate knowledge of the origin, history, provisions and principles of the Constitution of the United States and the Constitution of the State of Nevada.

2. The Commission may grant a reasonable time for compliance with the terms of this section.

[331:32:1956]—(NRS A 1961, 383, 628; 1979, 1602; [1987, 999](#); [1989, 1960](#); [2001 Special Session, 238](#); [2003, 1146](#))

**NRS 391.092 Certification in cardiopulmonary resuscitation: Establishment and submission of plan for training; requirements of plan; certain educational personnel required to establish and maintain certification; agreement to provide training.**

1. The board of trustees of each school district:

(a) Shall establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in physical education; and

(b) May establish a plan for the teachers and other licensed educational personnel in the school district who teach or supervise pupils in courses of study or activities other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity,

to receive the training which is necessary for certification in the administration of cardiopulmonary resuscitation.

2. A plan established by the board of trustees pursuant to subsection 1 must:

(a) Comply with the guidelines established by the American National Red Cross or the American Heart Association for the certification of persons in the administration of cardiopulmonary resuscitation;

(b) Set forth the courses of study and activities offered at schools within the district other than physical education which involve a high risk that cardiopulmonary resuscitation will need to be



administered during the course of study or activity, including, without limitation, laboratory sciences, vocational education, special education, competitive sports and the transportation of pupils; and

(c) Set forth an estimation of the time and resources necessary for all personnel of the district to obtain certification in the administration of cardiopulmonary resuscitation.

3. The board of trustees of each school district shall submit to the State Board any plan that it establishes pursuant to subsection 1.

4. A teacher or other person who:

(a) Is licensed pursuant to this chapter; and

(b) Teaches or supervises:

(1) Physical education; or

(2) A course of study or an activity that the board of trustees of the school district in which the person is employed has identified as involving a high risk that cardiopulmonary resuscitation will need to be administered during the course of study or activity and for which the board of trustees has established a plan pursuant to subsection 1,

Ê shall establish and maintain current certification in the administration of cardiopulmonary resuscitation in accordance with the plan established by the board of trustees.

5. The board of trustees of a school district may enter into an agreement with a local fire department, a local law enforcement agency or a nonprofit organization to provide the training and certification required by the plan.

(Added to NRS by [1997, 1715](#))

**NRS 391.094 State Board required to prescribe examination for certain paraprofessionals.** The State Board shall prescribe by regulation at least one examination for those paraprofessionals who desire to satisfy the requirements of 20 U.S.C. § 6319(c) by passing an examination prescribed by this State. The regulations must include the passing score required to demonstrate satisfaction of the requirements of 20 U.S.C. § 6319(c).

(Added to NRS by [2003, 19th Special Session, 69](#))

**NRS 391.095 Student teachers: Agreement between school district and Nevada System of Higher Education or accredited postsecondary educational institution for assignment; instruction and supervision of pupils.**

1. A school district may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the State Board pursuant to [NRS 391.038](#), for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district for purposes of [NRS 41.038](#) and [41.039](#), while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. As used in this section:

(a) "Accredited" has the meaning ascribed to it in [NRS 394.006](#).

(b) "Postsecondary educational institution" has the meaning ascribed to it in [NRS 394.099](#).

(Added to NRS by 1975, 312; A [1987, 999](#); [1993, 340](#), [2203](#); [1995, 1383](#))

**NRS 391.096 Student teachers: Employment as substitute teachers; compensation; supervision by licensed teacher.**

1. A board of trustees of a school district that has entered into an agreement pursuant to [NRS 391.095](#) shall, before assigning a long-term substitute who is not a licensed teacher, assign a student teacher who satisfies the requirements of subsection 2 as a substitute teacher.

2. A student teacher who has completed not less than 4 weeks of student teaching in a school district pursuant to [NRS 391.095](#) may apply to the board of trustees of that school district for employment as a substitute teacher. The application must include the written approval of:

(a) The teacher who supervises the student teacher through the Nevada System of Higher Education or accredited postsecondary educational institution, as applicable; and

(b) The teacher who is responsible for supervising the student teacher in the classroom.

3. If a school district employs a student teacher as a substitute teacher pursuant to this section, the school district shall ensure that the student teacher is:

(a) Assigned to teach in the subject area and grade level, as applicable, in which the student teacher is completing his or her student teaching.

(b) Supervised by a licensed teacher. A licensed teacher so assigned must:

(1) Be available to assist the student teacher and observe the student teacher on a periodic basis; and

(2) Oversee the management of the classroom, instructional duties and administrative duties of the student teacher.

4. A student teacher who is employed as a substitute teacher pursuant to this section is entitled to the rate of pay otherwise payable to substitute teachers employed by the school district for each day the student teacher works as a substitute teacher. Nothing in this section entitles a student teacher who is not employed as a substitute teacher to be paid for time spent completing his or her student teaching, including, without limitation, time spent completing course work and assignments required for completion of a program of study offered by the Nevada System of Higher Education or an accredited postsecondary educational institution.

5. Except as otherwise provided in this subsection, the board of trustees of a school district that employs a student teacher as a substitute teacher pursuant to this section shall, in consultation with the employee organization representing licensed teachers in the school district, provide for compensation of the licensed teacher who supervises the student teacher pursuant to subsection 3 that is in addition to the regular salary of the licensed teacher. The board of trustees is not required to provide additional compensation to:

(a) A licensed teacher who is employed by the school district for the primary purpose of supervising student teachers and who is not otherwise employed for the purpose of providing classroom instruction to pupils; or

(b) A licensed teacher who receives compensation from the Nevada System of Higher Education or an accredited postsecondary educational institution for supervising student teachers.

6. As used in this section, "student teacher" means a student of a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution who is assigned to teach for training purposes pursuant to [NRS 391.095](#).

(Added to NRS by [2007, 1137](#))

#### **NOTICE TO PARENTS AND GUARDIANS REGARDING QUALIFICATIONS OF TEACHERS AND PARAPROFESSIONALS**

**NRS 391.097 Parent or guardian may request information regarding professional qualifications of teachers and paraprofessionals; annual notice of right to request information.**

1. Upon the request of a parent or legal guardian of a pupil who is enrolled in a public school, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall provide to the parent or guardian information regarding the

professional qualifications of the pupil's teachers. The State Board shall prescribe the time by which such information must be provided after receipt of the request by the school district or charter school. The information provided must include, without limitation:

(a) For each teacher who provides instruction to the pupil:

(1) Whether the teacher holds a license for the grade level and subject area in which the teacher provides instruction;

(2) Whether the teacher is:

(I) Providing instruction pursuant to [NRS 391.125](#);

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teacher is employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teacher is employed; and

(3) The degree held by the teacher and any other graduate certification or degree held by the teacher, including, without limitation, the field in which each degree or certification was obtained; and

(b) If a paraprofessional, as defined in [NRS 391.008](#), provides services to the pupil, the qualifications of the paraprofessional.

2. At the beginning of each school year, the board of trustees of each school district and the governing body of each charter school shall provide written notice to the parents and guardians of each pupil enrolled in a school within the school district or enrolled in the charter school, as applicable, that a parent or guardian may request information pursuant to subsection 1. The State Board shall prescribe the date by which the notice required by this subsection must be provided.

3. The information required pursuant to subsection 1 and the notice required pursuant to subsection 2 must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

(Added to NRS by [2003, 19th Special Session, 69](#))

**NRS 391.098 Notice to parent or guardian of pupil in Title I school if teacher is not highly qualified.**

1. If a pupil enrolled in a Title I school or a school that is rated as underperforming pursuant to the statewide system of accountability for public schools:

(a) Is assigned to a teacher, as the pupil's regular classroom teacher, who is not highly qualified; or

(b) Has been taught for 4 consecutive weeks or more by a teacher who is not the pupil's regular classroom teacher and who is not highly qualified,

the principal of the school or the administrative head of the charter school, as applicable, shall provide notice of that fact to the parent or legal guardian of the pupil.

2. The State Board shall prescribe the date on which the notice required by subsection 1 must be provided. The notice must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.

3. As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(Added to NRS by [2003, 19th Special Session, 70](#); A [2013, 1932](#))

**EMPLOYMENT AND SALARIES OF TEACHERS, PARAPROFESSIONALS AND OTHER EMPLOYEES; POLICE SERVICES**

**NRS 391.100 Employment of personnel by trustees; certain teachers and paraprofessionals required to possess qualifications prescribed by federal law; school district prohibited from requiring licensed employees on approved leave to submit fingerprints as condition of return to employment; exception; school police officers; contract for police services.**

1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if he or she has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by the person’s current employer.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if the person teaches:

- (a) English, reading or language arts;
- (b) Mathematics;
- (c) Science;
- (d) Foreign language;
- (e) Civics or government;
- (f) Economics;
- (g) Geography;
- (h) History; or
- (i) The arts.

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not “initially hired” if he or she has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by the person’s current employer.

(b) Shall establish policies governing the duties and performance of teacher aides.

5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of the applicant’s fingerprints and written permission authorizing the school district 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.

6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to [NRS 391.033](#) who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;
- (b) Sabbatical leave;
- (c) Personal leave;
- (d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;
- (e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,  
Ê to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to [NRS 391.033](#) who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer. In addition, persons who provide police services pursuant to subsection 9 or 10 shall be deemed school police officers.

9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to [chapter 280](#) of NRS may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district and on property owned by the school district, but outside the jurisdiction of the metropolitan police department.

10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to [chapter 280](#) of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district and on property therein that is owned by the school district.

[332:32:1956]—(NRS A 1967, 450; 1971, 175; 1975, 614; 1979, 871, 1603; [1985, 287](#); [1987, 1000, 1481](#); [1989, 630](#); [1993, 2531](#); [1995, 1910](#); [1999, 3462](#); [2001, 2482](#); [2003, 2848](#); [2003, 19th Special Session, 72](#))

**NRS 391.110 Superintendent of schools: Employment; qualifications; term; dismissal; administration of oaths.**

1. The board of trustees of a school district may:

(a) Employ any person the board of trustees determines is qualified to serve as the superintendent of schools of the school district. The Commission may require the superintendent of any school district to hold a master's degree.

(b) Define the powers and fix the duties of the superintendent of schools.

(c) Fix the salary of the superintendent of schools.

2. If the board of trustees of a school district employs a person who is not licensed as an administrator to serve as the superintendent of schools, the board of trustees shall employ a person who is licensed as an administrator to oversee the academic programs of the public schools within the school district.

3. A superintendent of schools may be employed for an initial term not to exceed 4 years. The term of any subsequent employment may be of any duration.

4. A superintendent of schools may be dismissed at any time for cause.

5. A superintendent of schools may administer oaths or affirmations relating to public schools.

[333:32:1956]—(NRS A 1971, 549; 1979, 1603; [1985, 868](#); [1987, 1000](#); [1995, 33](#); [1999, 1134](#))

**NRS 391.120 Written contract of employment for licensed personnel; limitations on employment; suspension or termination for failure to maintain valid license; exception; submission of employment information to Department.**

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 school district shall 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 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.

[334:32:1956]—(NRS A 1967, 449; 1969, 127; 1979, 1604; [1987, 1001](#); [1993, 1432](#); [2003, 2820](#); [2007, 312](#))

**NRS 391.125 Request by board of trustees to employ teachers who do not hold appropriate endorsement if shortage exists; limitations; duty of Commission if request granted.**

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 person who holds a license to teach but not an endorsement in the subject area for which the request was granted 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 shall submit a written report to the Commission that includes the name of the school district for which the request was granted and the subject area for which the request was granted. 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.

(Added to NRS by [2001 Special Session, 176](#); A [2003, 19th Special Session, 74](#); [2013, 1932](#))

**NRS 391.150 Payment of employees' salaries from apportionment of public money; deductions from salary.**

1. Boards of trustees of school districts in this state may pay toward the salaries of teachers and other employees the public money apportioned to school districts for that purpose, by giving them orders therefor on the county auditor.

2. Boards of trustees may:

(a) Deduct from the salary of any teacher or other employee, upon the written request of the teacher or other employee, money for the payment of premiums on insurance of any kind;

(b) Reduce or withhold increases in the salary of any teacher or other employee, upon the written request of the teacher or other employee, by or in an amount sufficient to purchase an annuity contract pursuant to the provisions of [NRS 391.380](#); and

(c) Reduce or withhold from the salary of any teacher or other employee, upon the written request of the teacher or employee, an amount specified in the request to be held by the trustees pursuant to a deferred compensation agreement between the trustees and the teacher or other employee.

[337:32:1956]—(NRS A 1965, 712; 1977, 804; 1979, 1604)

**NRS 391.155 School districts required to submit biannual report to Interim Finance Committee concerning employment of consultants.** Each school district in this State that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

1. The number of consultants employed by the school district;

2. The purpose for which the school district employs each consultant;

3. The amount of money or other remuneration received by each consultant from the school district; and

4. The length of time each consultant has been employed by the school district.

(Added to NRS by [2011, 3104](#))

**NRS 391.160 Determination of salaries of teachers and other employees; increased salary for certain teachers, speech pathologists and professional school library media specialists with additional certification; credit for previous teaching and administrative service.**

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

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

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

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

È No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.

3. Each year when determining the salary of a person who is employed by a school district as a speech pathologist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries for the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's:

(1) Licensure as a speech pathologist by the Board of Examiners for Audiology and Speech Pathology; and

(2) Certification as being clinically competent in speech-language pathology by:

(I) The American Speech-Language-Hearing Association; or

(II) A successor organization to the American Speech-Language-Hearing Association that is recognized and determined to be acceptable by the Board of Examiners for Audiology and Speech Pathology; and

(b) The employee is assigned by the school district to serve as a speech pathologist during the school year.

Ê No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of licensure and certification after September 15 of that school year. Once an employee has submitted evidence of such licensure and certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee may otherwise be entitled.

4. Each year when determining the salary of a person who is employed by a school district as a professional school library media specialist, the school district shall add 5 percent to the salary that the employee would otherwise receive in 1 year for the employee's classification on the schedule of salaries of the school district if:

(a) On or before September 15 of the school year, the employee has submitted evidence satisfactory to the school district of the employee's current certification as a professional school library media specialist issued by the National Board for Professional Teaching Standards; and

(b) The employee is assigned by the school district to serve as a professional school library media specialist during that school year.

Ê No increase in salary may be given pursuant to this subsection during a particular school year to an employee who submits evidence of certification after September 15 of that school year. Once an employee has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the employee 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 8:

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

(b) Give the teacher credit for the teacher's final year of service with his or her 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.

6. A school district may give the credit required by subsection 5 for previous teaching service earned in another state if the Commission has approved the standards for licensing teachers of that



state. The Commission shall adopt regulations that establish the criteria by which the Commission will consider the standards for licensing teachers of other states for the purposes of this subsection. The criteria may include, without limitation, whether the Commission has authorized reciprocal licensure of educational personnel from the state under consideration.

7. In determining the salary of a licensed administrator, other than the superintendent of schools, who is employed by a school district after the administrator has been employed by another school district in this State, the present employer shall, except as otherwise provided in subsection 8:

(a) Give the administrator the same credit for previous administrative service as the administrator was receiving from the administrator's former employer, at the end of his or her former employment;

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

(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.

8. This section does not:

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

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

9. As used in this section:

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

(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and

(2) The administrator's period of administrative service in his or her former employment.

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

(1) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and

(2) The teacher's period of teaching service in his or her former employment.

[338:32:1956]—(NRS A 1969, 1178; 1971, 75; 1979, 307, 1605; [1991, 817](#); [1993, 426](#); [1999, 1037, 1559](#); [2001, 1904](#); [2001 Special Session, 182](#); [2005, 2446](#); [2007, 2385](#))

**NRS 391.166 Grant Fund for Incentives for Licensed Educational Personnel; program of incentive pay; submission of application for grant; approval of financial incentives by Interim Finance Committee; limitation on individual incentive; evaluation of program.**

1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to [chapter 288](#) of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in

this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold a license or endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than \$3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs; and

(e) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

(Added to NRS by [2007, 23rd Special Session, 16](#); A [2011, 789](#); [2013, 3280](#))

**NRS 391.168 Establishment of program of performance pay and enhanced compensation for recruitment and retention of teachers and administrators.**

1. The board of trustees of each school district shall:

(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to [chapter 288](#) of NRS; and

(b) Commencing with the 2015-2016 school year, implement the program established pursuant to paragraph (a).

2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:

(a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;

(b) Professional development;

(c) Group incentives; and

(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.

(Added to NRS by [2011, 2283](#); A [2013, 3149](#))

**NRS 391.170 Conditions for receipt of public money as compensation; exception for charter schools.**

1. Except as otherwise provided in subsection 2, a 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:

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

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

2. The provisions of subsection 1 do not prohibit the payment of public money to teachers or other employees who are employed by a charter school for whom a license is not required pursuant to the provisions of [NRS 386.590](#).

[339:32:1956]—(NRS A 1967, 818; 1977, 223; 1979, 1605; [1987, 1001](#); [1997, 1872](#); [2001, 3161](#); [2001 Special Session, 184](#); [2003, 282](#))

**NRS 391.180 Absences of employees: Compensation; deductions; accumulation and transfer of sick leave; intermission and extension of days of school.**

1. As used in this section, “employee” means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees’ compensation in 12 equal monthly payments for 9 or more months’ work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to [chapter 288](#) of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to [chapter 288](#) of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 4 of [NRS 286.300](#). The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.

6. The salary of any employee unavoidably absent because of personal illness or accident, or because of serious illness, accident or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that the employee has accumulated must be transferred from the employee's former school district or charter school to his or her new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which the employee transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his or her services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to [chapter 288](#) of NRS; or

(b) The governing body of a charter school pursuant to [NRS 386.595](#),

the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

[340:32:1956]—(NRS A 1959, 205, 806; 1960, 31; 1965, 707; 1971, 648; 1973, 1292; 1977, 514; 1979, 296; [1987, 1001](#); [1991, 958](#); [1993, 1334](#); [1997, 1872](#); [1999, 1557](#); [2005, 951](#))

**NRS 391.200 Salaries of teachers are prior claims on school district fund.** The salaries of:

1. Teachers and other licensed personnel in a school district, as determined by the contracts between the teachers and other licensed employees and the board of trustees; and

2. Teachers in a charter school,

È are prior claims upon the school district fund.

[342:32:1956]—(NRS A 1979, 1605; [1987, 1002](#); [1999, 3314](#))

**NRS 391.205 Involuntary transfer or reassignment of unlicensed employees.**

1. Except as otherwise provided in subsection 2, any involuntary transfer or reassignment of an unlicensed employee must be based on assignment and seniority and may not be made as a form of discipline.

2. An unlicensed employee may be reassigned for less than 30 days in response to temporary requirements for work.

3. If an unlicensed employee believes an involuntary transfer or reassignment was made as a form of discipline, he or she is entitled to a hearing on that issue.

(Added to NRS by [1987, 1162](#))

**NURSING SERVICES**

**NRS 391.207 Supervision by chief nurse required; qualifications for employment as school nurse; designation of school employees authorized to administer auto-injectable epinephrine.**

1. The provision of nursing services in a school district by school nurses and other qualified personnel must be under the direction and supervision of a chief nurse who is a registered nurse as provided in [NRS 632.240](#) and who:

(a) Holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission; or

(b) Is employed by a state, county, city or district health department and provides nursing services to the school district in the course of that employment.

2. A school district shall not employ a person to serve as a school nurse unless the person holds an endorsement to serve as a school nurse issued pursuant to regulations adopted by the Commission.

3. The chief nurse shall ensure that each school nurse:

(a) Coordinates with the principal of each school to designate employees of the school who are authorized to administer auto-injectable epinephrine; and

(b) Provides the employees so designated with training concerning the proper storage and administration of auto-injectable epinephrine.

(Added to NRS by [1991, 1697](#); A [2001, 540](#); [2013, 1225](#))

**NRS 391.208 Duties of school nurse.** A school nurse shall, for each school at which he or she is responsible for providing nursing services:

1. Ensure that each pupil enrolled in the school has been immunized in accordance with, is exempt from or has otherwise complied with, the requirements set forth in [NRS 392.435](#) to [392.446](#), inclusive.

2. Assess and evaluate the general health and physical development of the pupils enrolled in the school to identify those pupils who have physical or mental conditions that impede their ability to learn.

3. Report the results of an evaluation conducted pursuant to subsection 2 to:

(a) A parent or guardian of the pupil;

(b) Each administrator and teacher directly involved with the education of the pupil; and

(c) Other professional personnel within the school district who need the information to assist the pupil with the pupil's health or education.

4. Design and carry out a plan of nursing care for a pupil with special needs which incorporates any plan specified by the pupil's physician or provider of health care, as defined in [NRS 629.031](#), and which is approved by the pupil's parent or guardian. The nursing services provided pursuant to a plan of nursing care must be performed in compliance with [chapter 632](#) of NRS.

5. When appropriate, refer a pupil and the pupil's parent or guardian to other sources in the community to obtain services necessary for the health of the pupil.

6. Interpret medical and nursing information that relates to a pupil's individual educational plan or individualized accommodation plan and make recommendations to:

- (a) Professional personnel directly involved with that pupil; and
- (b) The parents or guardian of that pupil.

(Added to NRS by [1991, 1697](#); A [2001, 540](#))

#### **POWERS, DUTIES AND SUPERVISION OF PERSONNEL**

**NRS 391.210 Exercise of trustees' authority in school by certain personnel.** The board of trustees of a school district may direct the administrators, principals, teachers and other licensed personnel employed by them to exercise such powers and authority in the schools as the board of trustees has under this title of NRS.

[343:32:1956]—(NRS A 1967, 456; 1979, 1605; [1987, 1002](#))

**NRS 391.230 Filing of licenses with superintendent of school district; exception for unlicensed teachers of charter school.**

1. Except as otherwise provided in subsection 3, upon the opening of any public school in this state, every teacher and other licensed employee employed for that school shall file with the superintendent of the county school district a Nevada license entitling the holder to teach or perform other educational functions in the school in which he or she will be employed, and any other report that the Superintendent of Public Instruction requires.

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

3. This section does not apply to unlicensed teachers who are employed by a charter school.

[345:32:1956]—(NRS A 1959, 806; 1960, 29; 1969, 128; 1971, 524; 1979, 1605; [1987, 1002](#); [1999, 3314](#))

**NRS 391.235 Board of trustees authorized to adopt policy to engage district-level administrators in classroom.**

1. The board of trustees of each school district may adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. If the board of trustees adopts such a policy, the policy must require each administrator employed by the school district at the district level to:

(a) If the administrator holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If the administrator does not hold a license to teach:

(1) Personally observe a classroom for at least one-half of a regularly scheduled full instructional day in each school year; or

(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.

2. If the board of trustees of a school district adopts a policy pursuant to subsection 1, a district-level administrator may choose a school within the school district at which the administrator will carry out the provisions of this section.

3. If the board of trustees of a school district adopts a policy pursuant to subsection 1, an administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a

substitute teacher for the full instructional day in which the administrator carries out the provisions of this section.

4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.

5. As used in this section, “core academic subject” means the core academic subjects designated pursuant to [NRS 389.018](#).

(Added to NRS by [2007, 2452](#); A [2011, 3500](#))

**NRS 391.240 Teachers: Keeping register of pupils.**

1. Except as otherwise provided in subsection 2, each teacher in the public schools shall keep a true, full and correct register of all pupils attending such school as required by the board of trustees of the school district in accordance with the regulations prescribed by the Superintendent of Public Instruction.

2. Each teacher in a charter school shall keep a record of the enrollment of pupils in the charter school in accordance with the regulations prescribed by the Superintendent of Public Instruction.

[346:32:1956]—(NRS A 1971, 549; 1979, 1605; [1999, 3314](#))

**NRS 391.260 Teachers: Enforcement of courses of study, textbooks and regulations; exception for charter schools.**

1. Except as otherwise provided in subsection 2, each teacher in the public schools shall enforce the course of study as prescribed by law, the use of legally authorized textbooks, and the rules and regulations prescribed for teachers and schools.

2. The provisions of subsection 1 do not prohibit a charter school from:

(a) Offering courses of study other than the courses of study prescribed by law;

(b) Using textbooks other than the textbooks that are legally authorized for use in the school district;

or

(c) Enforcing rules and regulations other than the rules and regulations prescribed.

[348:32:1956]—(NRS A [1997, 1873](#))

**NRS 391.270 Teachers: Holding pupils to account for conduct.** Every teacher in the public schools shall hold pupils to a strict account of their conduct on and in close proximity to the school grounds, on the play ground, and during any intermission.

[349:32:1956]

**NRS 391.271 School district to provide for legal defense of employee charged with certain crimes committed within scope of employment; exceptions.**

1. If a person who is or was employed by a school district is charged by criminal complaint with assault, battery or a similar crime as a result of the employee’s actions in attempting to maintain a safe or peaceful school environment, the school district shall, as soon as practicable, provide for the legal defense of the employee in that case. The school district shall not require a waiver of the attorney-client privilege as a condition of providing the defense.

2. In any case in which the school district is required to provide for an employee’s legal defense pursuant to subsection 1, the court shall include in its judgment a finding as to whether the conduct of the defendant which was alleged to be criminal was within the scope of his or her employment and whether the conduct was malicious or wanton.

3. If the court finds that the conduct of the defendant was not within the scope of his or her employment or was wanton or malicious, the employee or former employee is liable to the school district for the amount expended by the school district for his or her defense.

(Added to NRS by [1989, 1991](#))

**NRS 391.273 Supervision of unlicensed personnel required; exemptions; reduction of basic support allocation for failure to comply; exception for certain unlicensed personnel of charter school.**

1. Except as otherwise provided in this section and except for persons who are supervised pursuant to [NRS 391.096](#), the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4, 5 or 6 must be under administrative supervision when performing any duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. Except as otherwise provided in subsection 7, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 pursuant to subsection 5 or 6.

5. Except as otherwise provided in subsection 6, the Superintendent shall not grant an exemption from the provisions of subsection 1 unless:

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his or her fingerprints for an investigation pursuant to [NRS 391.033](#).

6. Upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1 if:

(a) The duties of the unlicensed employee relate to the supervision of pupils attending a course of distance education provided pursuant to [NRS 388.820](#) to [388.874](#), inclusive, while the pupils are receiving instruction from a licensed employee remotely through any electronic means of communication; and

(b) The unlicensed employee submits his or her fingerprints for an investigation pursuant to [NRS 391.033](#).

7. The exemption authorized by subsection 4, 5 or 6 does not apply to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.

8. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties the exempt employee may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.



9. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

10. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and includes the fact that a licensed teacher or substitute teacher is not immediately available.

11. If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection 10, the Superintendent shall take such actions as are necessary to reduce the amount of money received by the district pursuant to [NRS 387.124](#) by an amount equal to the product when the following numbers are multiplied together:

- (a) The number of days on which the violation occurred;
- (b) The number of pupils in the classroom taught by the teacher's aide; and
- (c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to [NRS 387.1233](#).

12. Except as otherwise provided in this subsection, a person employed as a teacher's aide or paraprofessional may monitor pupils in a computer laboratory without being directly supervised by licensed personnel. The provisions of this subsection do not apply to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.

13. The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school, unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto.

(Added to NRS by [1987, 1480](#); A [1989, 2146](#); [1999, 3314](#); [2003, 19th Special Session, 74](#); [2007, 1138](#); [2013, 1514, 1690](#))

**NRS 391.274 Policy prescribing duties, roles and responsibilities of school counselors; limitation on time school counselors required to assist with test administration.** The board of trustees of each school district shall adopt a policy that sets forth the duties, roles and responsibilities of persons who are licensed pursuant to this chapter and employed as school counselors. The policy must:

1. Be designed to ensure that school counselors are allotted sufficient time in each school year to carry out the duties relating to counseling, including, without limitation, assisting pupils with academic planning; and
2. Limit the amount of time that school counselors are required to assist with test administration and test coordination at a public school.

(Added to NRS by [2007, 2179](#))

**NRS 391.275 Jurisdiction of school police officers.**

1. The jurisdiction of each school police officer of a school district extends to all school property, buildings and facilities within the school district for the purpose of:

- (a) Protecting school district personnel, pupils, or real or personal property; or
- (b) Cooperating with local law enforcement agencies in matters relating to personnel, pupils or real or personal property of the school district.

2. In addition to the jurisdiction set forth in subsection 1, a school police officer of a school district has jurisdiction:

- (a) Beyond the school property, buildings and facilities when in hot pursuit of a person believed to have committed a crime;

(b) At activities or events sponsored by the school district that are in a location other than the school property, buildings or facilities within the school district; and

(c) When authorized by the superintendent of schools of the school district, on the streets that are adjacent to the school property, buildings and facilities within the school district for the purpose of issuing traffic citations for violations of traffic laws and ordinances during the times that the school is in session or school-related activities are in progress.

(Added to NRS by 1971, 2078; A 1979, 1606; [1989, 630](#); [2007, 927, 1921](#))

#### **PROGRAM TO TRAIN EMPLOYEES WHO OPERATE PRESSURE VESSELS**

##### **NRS 391.278 Program to train employees who operate boiler or other pressure vessel.**

1. The board of trustees of each school district, individually or in conjunction with other school districts, shall develop and carry out a program to train employees who operate a boiler or other pressure vessel which has a burner input of more than 2,500,000 British thermal units and is located in a public or private elementary or secondary school in this state.

2. The program must consist of instruction in the classroom and applied instruction regarding:

- (a) Various types of boilers;
- (b) General procedures for the operation of boilers;
- (c) Instrumentation, controls and safety devices;
- (d) Methods used to control combustion and the flame;
- (e) Equipment related to the burning of fuel;
- (f) Equipment and accessories related to feed water and water treatment;
- (g) Care and maintenance of boilers;
- (h) Safety and emergency procedures; and
- (i) Any other subjects determined to be appropriate by the board.

3. The board of trustees of each school district shall submit its program and any subsequent modifications to the program, including curricula and materials, to the Division of Industrial Relations of the Department of Business and Industry for its review and comment.

(Added to NRS by [1995, 908](#))

#### **EDUCATIONAL CONFERENCES; PROFESSIONAL DEVELOPMENT**

**NRS 391.280 Attendance of licensed employees at conference.** Every teacher or other licensed employee, without loss of salary for the time employed, shall attend the educational conferences held in the school district in which he or she is employed unless excused for good cause by the superintendent of schools of the district.

[350:32:1956]—(NRS A 1971, 549; 1973, 396; 1979, 1606; [1987, 1003](#))

**NRS 391.285 Suspension of licensed employee for unexcused absence from conference.** The Superintendent of Public Instruction may suspend, for a time not to exceed 1 year, the license of any teacher or other licensed employee who has an unexcused absence from any educational conference he or she is required to attend.

(Added to NRS by 1979, 1601; A [1987, 1003](#))

**NRS 391.290 Payment of expenses of travel and living for administrators and teachers attending conference.**

1. Whenever an educational conference is called by the Superintendent of Public Instruction, the board of trustees of a school district whose school administrators and teachers are required to attend the educational conference shall, unless such school administrators or teachers are excused for cause by the superintendent of schools of the district from attendance:

(a) Pay the actual necessary transportation expenses of school administrators and teachers of the school district to and from the educational conference.

(b) Pay the actual necessary living expenses of school administrators and teachers of the school district while attending the educational conference.

2. Expenses shall be paid out of the school district fund and claims therefor shall not exceed the statutory rate fixed for state officers.

[351:32:1956]—(NRS A 1979, 1606)

**NRS 391.295 Transportation of personnel to and from conference.** A board of trustees of a school district may authorize the use of school buses to transport teachers, school administrators and other school employees to educational conferences convened by the State Board of Education.

[396:32:1956]—(NRS A 1979, 1616)

**NRS 391.298 Focus and structure of scheduled professional development.** If the board of trustees of a school district or the superintendent of schools of a school district schedules a day or days for the professional development of teachers or administrators employed by the school district:

1. The primary focus of that scheduled professional development must be to improve the achievement of the pupils enrolled in the school district, as set forth in the plan to improve the achievement of pupils prepared pursuant to [NRS 385.357](#).

2. The scheduled professional development must be structured so that teachers attend professional development that is designed for the specific subject areas or grades taught by those teachers.

(Added to NRS by [2005, 713](#); A [2009, 2331](#); [2011, 3500](#); [2013, 1932](#))

#### **SUSPENSION AND TERMINATION OF EMPLOYEE FOR FAILURE TO MAINTAIN VALID LICENSE**

**NRS 391.301 “Employee” defined.** As used in [NRS 391.301](#) to [391.309](#), inclusive, unless the context otherwise requires, “employee” means a person who:

1. Is employed by a school district in this State; and
2. Is required, as a condition of his or her employment, to hold a license issued pursuant to this chapter.

(Added to NRS by [2003, 2817](#); A [2007, 312](#))

**NRS 391.3015 Limited exception from provisions for lapse of license during time school is in session.**

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 has been suspended or revoked by the State Board pursuant to [NRS 391.320](#) to [391.361](#), inclusive.

(Added to NRS by [2007, 311](#))

**NRS 391.302 Suspension and termination required; exception; reinstatement if extension of time or other relief granted.**

1. Except as otherwise provided in [NRS 391.3015](#), if an employee fails to maintain his or her license in force, the school district that employs him or her shall:

(a) Immediately suspend the employee without pay; and

(b) Terminate his or her employment if the employee fails to reinstate his or her license within the time prescribed by subsection 2 of [NRS 391.305](#).

2. If an employee is suspended pursuant to this section and, within 90 days after the date of suspension, is granted by the Department or Commission an extension of time or any other relief which has the effect of reinstating or continuing his or her license in force, the suspension of the employee is ineffective and the school district shall immediately reinstate the employee while the employee's license remains in force. The employee must be reinstated to the position the employee held at the time of his or her suspension. If the employee thereafter fails again to maintain his or her license in force, the school district shall again suspend the employee without pay and proceed in accordance with [NRS 391.305](#), [391.308](#) and [391.309](#).

(Added to NRS by [2003, 2817](#); A [2007, 312](#))

**NRS 391.305 Notice of suspension; effect of reinstatement of license within prescribed period; termination for failure to reinstate license.**

1. If a school district is required to suspend an employee pursuant to [NRS 391.302](#), the superintendent of schools of the school district shall provide written notice of the suspension to the employee by personal delivery or by certified mail. The notice must:

(a) Include a copy of the text of the provisions of [NRS 391.301](#) to [391.309](#), inclusive;

(b) Inform the employee that his or her employment will be terminated unless the employee reinstates his or her license within the time prescribed by subsection 2;

(c) Set forth the date on which the period for reinstatement of the employee's license will expire;

(d) Advise the employee of his or her right to a hearing pursuant to [NRS 391.308](#);

(e) Include a copy of the form upon which the employee may request a hearing; and

(f) Set forth the name and address of the person to whom a request for a hearing should be directed.

2. If an employee reinstates his or her license:

(a) Within 90 days after the date of the notice of suspension; or

(b) Within any longer period authorized by the superintendent of schools of the school district or the superintendent's designee pursuant to [NRS 391.308](#),

the school district shall immediately reinstate the employee to the position that the employee held at the time of the employee's suspension.

3. If an employee fails to reinstate his or her license within the time prescribed by subsection 2, his or her employment shall be deemed to have terminated as of the date of the employee's suspension pursuant to [NRS 391.302](#). The superintendent of schools of the school district shall provide written notice of the termination to the employee by personal delivery or by certified mail. The failure of the employee to receive the notice required by this subsection does not render the termination ineffective.

(Added to NRS by [2003, 2817](#))

**NRS 391.308 Hearing to determine whether additional time to reinstate license should be granted; transmittal of written ruling; effect of ruling.**

1. An employee who is suspended by a school district pursuant to [NRS 391.302](#) is entitled to a hearing if the employee makes a timely request for a hearing, as set forth in this section. A request for a hearing must:

(a) Be received, within 15 days after the date of the notice of suspension, by the person designated by the school district pursuant to paragraph (f) of subsection 1 of [NRS 391.305](#);

(b) Set forth any facts which the employee believes are relevant; and

(c) Be accompanied by a copy of any documents which the employee believes are relevant.

2. If an employee fails to make a timely request for a hearing pursuant to this section, the right of the employee to reinstatement by the school district pursuant to subsection 2 of [NRS 391.305](#) is not affected if the employee satisfies the requirements of that subsection.

3. If a timely request for a hearing is made, the superintendent of schools of the school district or the superintendent's designee shall convene a hearing to consider whether extenuating circumstances exist that warrant an extension of the time prescribed by paragraph (a) of subsection 2 of [NRS 391.305](#) for reinstatement of the employee's license.

4. A hearing required by this section must be held within 20 days after the date of notice of suspension. The employee and the school district are each entitled to:

(a) Present evidence;

(b) Cross-examine witnesses; and

(c) Be represented by counsel or any other person.

5. Immediately upon conclusion of the hearing, the superintendent of schools of the school district or the superintendent's designee shall issue a ruling. The ruling must:

(a) State whether the employee will be granted an extension of time for reinstatement of the employee's license;

(b) Set forth the factual basis for his or her determination; and

(c) State the date on which an extension, if any, will expire.

6. In addition to the requirements of subsection 5, the ruling must be set forth in writing. Not later than 3 working days after the conclusion of the hearing, a copy of the written ruling must be mailed or personally delivered to the employee and the person who represented the employee during the hearing, if any. The failure of an employee to receive a copy of the written ruling does not render the ruling ineffective.

7. If an employee is granted an extension of time pursuant to this section, that extension is effective only for the purposes of the employment relationship between the school district and the employee and is not binding on the Department or Commission.

(Added to NRS by [2003, 2818](#))

**NRS 391.309 Effect of provisions.** The provisions of [NRS 391.301](#) to [391.309](#), inclusive, do not:

1. Limit any right or remedy an employee may have against an agency or official of this state based upon the loss of the employee's license.

2. Preclude a school district from employing a person as a substitute teacher or in any other position for which the person is legally qualified.

(Added to NRS by [2003, 2819](#))

#### **EVALUATIONS OF LICENSED PERSONNEL; PROBATIONARY AND POSTPROBATIONARY EMPLOYMENT; DISCIPLINARY ACTION**

##### **GENERAL PROVISIONS**

**NRS 391.311 Definitions.** [Effective through March 31, 2014.] As used in [NRS 391.311](#) to [391.3197](#), inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by [NRS 391.311](#) to [391.3197](#), inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by [NRS 200.366](#), [200.368](#), [200.400](#), [200.508](#), [201.180](#), [201.190](#), [201.210](#), [201.220](#), [201.230](#), [201.265](#), [201.540](#), [201.560](#), [207.260](#), [453.316](#) to [453.336](#), inclusive, [453.337](#), [453.338](#), [453.3385](#) to [453.3405](#), inclusive, [453.560](#) or [453.562](#); or

(b) An act forbidden by [NRS 201.540](#) or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in [NRS 201.520](#).

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in [NRS 391.3197](#) and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to [NRS 391.3129](#).

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in [NRS 391.3197](#); and

(b) A person who is deemed to be a probationary employee pursuant to [NRS 391.3129](#).

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

(Added to NRS by 1967, 968; A 1969, 271; 1971, 380; 1973, 790; 1979, 658, 1606, 1829; [1985, 1083](#); [1987, 1003](#); [2003, 431, 1394, 2819](#); [2011, 2258, 2284](#))

**NRS 391.311 Definitions. [Effective April 1, 2014.]** As used in [NRS 391.311](#) to [391.3197](#), inclusive, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by [NRS 391.311](#) to [391.3197](#), inclusive, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by [NRS 200.366](#), [200.368](#), [200.400](#), [200.508](#), [201.180](#), [201.190](#), [201.210](#), [201.220](#), [201.230](#), [201.265](#), [201.540](#), [201.560](#), [207.260](#), [453.316](#) to [453.336](#), inclusive, except an act forbidden by [NRS 453.3393](#), [NRS 453.337](#), [453.338](#), [453.3385](#) to [453.3405](#), inclusive, [453.560](#) or [453.562](#); or

(b) An act forbidden by [NRS 201.540](#) or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in [NRS 201.520](#).

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in [NRS 391.3197](#) and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to [NRS 391.3129](#).

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in [NRS 391.3197](#); and

(b) A person who is deemed to be a probationary employee pursuant to [NRS 391.3129](#).

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

(Added to NRS by 1967, 968; A 1969, 271; 1971, 380; 1973, 790; 1979, 658, 1606, 1829; [1985, 1083](#); [1987, 1003](#); [2003, 431, 1394, 2819](#); [2011, 2258, 2284](#); [2013, 3699](#), effective April 1, 2014)

**NRS 391.3115 Applicability of [NRS 391.311](#) to [391.3197](#), inclusive; exceptions.**

1. The demotion, suspension, dismissal and nonreemployment provisions of [NRS 391.311](#) to [391.3197](#), inclusive, do not apply to:

- (a) Substitute teachers; or
- (b) Adult education teachers.

2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of [NRS 391.311](#) to [391.3194](#), inclusive, do not apply to:

(a) A probationary teacher. The policy for evaluations prescribed in [NRS 391.3125](#) and [391.3128](#) applies to a probationary teacher.

(b) A new employee who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal. The policy for evaluations prescribed in [NRS 391.3127](#) and [391.3128](#) applies to such a probationary administrator.

3. The admonition, demotion and suspension provisions of [NRS 391.311](#) to [391.3194](#), inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, with respect to his or her employment in the administrative position. The policy for evaluations prescribed in [NRS 391.3127](#) and [391.3128](#) applies to such a probationary administrator.

4. The provisions of [NRS 391.311](#) to [391.3194](#), inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of [NRS 391.120](#) or [NRS 391.3015](#) for failure to maintain a license in force.

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of [NRS 391.311](#) to [391.3197](#), inclusive, for demotion, suspension or dismissal apply to them.

(Added to NRS by 1971, 380; A 1973, 791; 1979, 1607, 1830; [1987, 1003](#); [2003, 2820, 3217](#); [2007, 313](#); [2011, 2259, 2284](#); [2013, 3149](#))

**NRS 391.3116 Contract negotiated by collective bargaining may supersede provisions of [NRS 391.311](#) to [391.3197](#), inclusive; exception for certain employees deemed probationary.** Excluding the provisions of [NRS 391.3129](#), the provisions of [NRS 391.311](#) to [391.3197](#), inclusive, do not apply to a teacher, administrator, or other licensed employee who has entered into a contract with the board negotiated pursuant to [chapter 288](#) of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee or demote an administrator.

(Added to NRS by 1973, 790; A 1979, 1607, 1830; [1987, 1004](#); [2011, 2260](#))

**NRS 391.312** Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; consideration of evaluations and standards of performance. [Replaced in revision by [NRS 391.31297](#).]

**Delay of Implementation of Statewide Performance Evaluation System; School Districts Authorized to Opt Out of Delay; Validation Study of System; Policies for Evaluations During Validation Study**

**NRS 391.31211** For 2013-2014 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.

1. The board of trustees of a school district that is prepared, commencing with the 2013-2014 school year, to implement the statewide performance evaluation system adopted by the State Board of Education pursuant to [NRS 391.465](#) for its teachers and administrators and does not want to delay the implementation of the evaluation system may submit an application on a form prescribed by the Department of Education which includes information demonstrating that the school district is prepared to implement the statewide performance evaluation system for all of its teachers and administrators and any other information requested by the Department.

2. Upon review of the application submitted pursuant to subsection 1, the Department of Education may approve the application if the Department determines that the school district is prepared to implement the statewide performance evaluation system commencing with the 2013-2014 school year and each school year thereafter.

3. A school district whose application is approved by the Department pursuant to subsection 2 is not required to participate in the validation study of the statewide performance evaluation system conducted pursuant to [NRS 391.31213](#) during the 2013-2014 school year and, if applicable, the 2014-2015 school year. Upon the request of such a school district, the Department may authorize the school district to participate in a portion of the validation study.

4. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

(Added to NRS by [2013, 3161](#))

**NRS 391.31212** For 2014-2015 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.

1. If the Interim Finance Committee makes a determination pursuant to [NRS 391.31217](#) that all school districts which participated in the validation study pursuant to [NRS 391.31213](#) are not prepared to implement the statewide performance evaluation system adopted by the State Board of Education pursuant to [NRS 391.465](#), the board of trustees of a school district that participated in the validation study and that is prepared, commencing with the 2014-2015 school year, to implement the statewide performance evaluation system for its teachers and administrators and does not want to delay the implementation of the evaluation system may submit an application on a form prescribed by the Department of Education which includes information demonstrating that the school district is prepared to implement the evaluation system for all of its teachers and administrators and any other information requested by the Department.

2. Upon review of the application submitted pursuant to subsection 1, the Department of Education may approve the application if the Department determines that the school district is prepared



to implement the statewide performance evaluation system commencing with the 2014-2015 school year.

3. A school district whose application is approved by the Department pursuant to subsection 2 is not required to participate in the validation study of the statewide performance evaluation system conducted pursuant to [NRS 391.31213](#) for the 2014-2015 school year. Upon the request of such a school district, the Department may authorize the school district to participate in a portion of the validation study.

4. As used in this section, “administrator” means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

(Added to NRS by [2013, 3161](#))

**NRS 391.31213 Validation study of statewide performance evaluation system; selection of representative sample of teachers and administrators to participate; disciplinary decisions must not be based on evaluations conducted under validation study.**

1. Except as otherwise provided by [NRS 391.31211](#), each school district shall participate in the validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to [NRS 391.465](#) for the 2013-2014 school year. Except as otherwise provided in [NRS 391.31211](#) and [391.31212](#), if the Interim Finance Committee makes a determination pursuant to [NRS 391.31217](#) that all school districts which participated in the validation study of the statewide performance evaluation system for the 2013-2014 school year are not prepared to implement the evaluation system, those school districts must participate in a second validation study of the evaluation system for the 2014-2015 school year.

2. On or before August 1, 2013, and, if applicable, on or before August 1, 2014, the Department of Education shall, in consultation with the boards of trustees of the school districts that do not have an application approved by the Department to opt out of the delay of the implementation of the statewide performance evaluation system pursuant to [NRS 391.31211](#) or [391.31212](#), as applicable, select a representative sample of teachers and administrators for a validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to [NRS 391.465](#). In addition, if the Department has approved a school district that opted out of the delay of the implementation of the statewide performance evaluation system to participate in a portion of the validation study, the Department shall, in consultation with that school district, select a representative sample of teachers and administrators for the portion of the validation study the Department has approved for the school district’s participation. The administrators selected for the validation study must provide primarily administrative services at the school level and not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

3. For the 2013-2014 school year and, if applicable, for the 2014-2015 school year:

(a) Some evaluations of teachers and administrators pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to [NRS 391.465](#) will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by [NRS 391.31214](#) and [391.31215](#), as applicable.

(b) Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.

4. For those school districts that have not opted out of the delay of the implementation of the statewide performance evaluation system, the teachers who are selected for the validation study must

be evaluated in accordance with [NRS 391.31214](#) and in accordance with the policy for evaluations set forth in [NRS 391.3125](#).

5. For those school districts that have not opted out of the delay of the implementation of the statewide performance evaluation system, the administrators who are selected for the validation study must be evaluated in accordance with [NRS 391.31215](#) and in accordance with the policy for evaluations set forth in [NRS 391.3127](#).

(Added to NRS by [2013, 3167](#))

**NRS 391.31214 Policy for evaluations of teachers and other licensed educational personnel instead of [NRS 391.3125](#) during validation study.**

1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district. Except as otherwise provided in [NRS 391.31211](#), for the 2013-2014 school year, the board of trustees of each school district shall comply with the policy for the evaluation of teachers, counselors, librarians and other licensed educational personnel, except for administrators, as set forth in this section instead of [NRS 391.3125](#). For the 2014-2015 school year, the board of trustees of each school district shall comply with the policy for the evaluation of counselors, librarians and other licensed educational personnel, except for teachers and administrators, as set forth in this section.

2. Except as otherwise provided in [NRS 391.31211](#) and [391.31212](#), if the Interim Finance Committee makes a determination pursuant to [NRS 391.31217](#) that all school districts which participated in the validation study of the statewide performance evaluation system pursuant to [NRS 391.31213](#) are not prepared to implement the evaluation system, the board of trustees of each school district shall, for the 2014-2015 school year, comply with the policy for the evaluation of teachers as set forth in this section instead of [NRS 391.3125](#).

3. Each board of trustees, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of [NRS 386.650](#) account for a significant portion of the evaluation, as determined by the board of trustees. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board of trustees must be filed with the Department of Education. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

4. A conference and a written evaluation for a probationary employee must be concluded not later than:

- (a) December 1;
- (b) February 1; and
- (c) April 1,

È of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board of trustees. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

5. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year. If a postprobationary teacher receives an unsatisfactory evaluation, the postprobationary teacher must be evaluated three times in the immediately succeeding school year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes. If a postprobationary teacher is evaluated three times in a school year and he or she receives an unsatisfactory evaluation on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to [NRS 389.520](#), as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. 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. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

(Added to NRS by [2013, 3162](#))

**NRS 391.31215 Policy for evaluation of administrators instead of [NRS 391.3127](#) during validation study.**

1. Except as otherwise provided in [NRS 391.31211](#), for the 2013-2014 school year, the board of trustees of each school district shall comply with the policy for the evaluation of administrators as set forth in this section instead of [NRS 391.3127](#). Except as otherwise provided in [NRS 391.31211](#) and [391.31212](#), if the Interim Finance Committee makes a determination pursuant to [NRS 391.31217](#) that all school districts which participated in the validation study of the statewide performance evaluation system pursuant to [NRS 391.31213](#) are not prepared to implement the evaluation system, the board of trustees of each school district shall, for the 2014-2015 school year, comply with the policy for the evaluation of administrators as set forth in this section instead of [NRS 391.3127](#).

2. Each board of trustees, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of [NRS 386.650](#) account for a significant portion of the evaluation, as determined by the board of trustees. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board of trustees must be filed with the Department of Education and made available to the Commission on Professional Standards in Education.

3. Each administrator must be evaluated in writing at least once a year.

4. Each probationary administrator is subject to the provisions of [NRS 391.3128](#) and [391.3197](#).

5. Before a superintendent of a school district transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board of trustees by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board of trustees shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board of trustees is final.

(Added to NRS by [2013, 3164](#))

**NRS 391.31216 Status of probationary employees during validation study.**

1. The provisions of this section apply to probationary employees who are employed by a school district that conducts evaluations pursuant to [NRS 391.31214](#) and [391.31215](#) for the 2013-2014 school year or the 2014-2015 school year, or both, for each school year that the school district conducts evaluations pursuant to those sections.

2. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

3. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, not later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

4. A probationary employee who:
- (a) Completes a 3-year probationary period;
  - (b) Receives a designation of "satisfactory" on each of his or her performance evaluations for 2 consecutive school years; and
  - (c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

Ê is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

6. A new employee who is employed as an administrator or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

- (a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

- (b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

Ê the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his or her probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 6, the administrator must serve the remainder of his or her probationary period pursuant to subsection 6 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as "unsatisfactory":

- (a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive an 'unsatisfactory' evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

- (b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

9. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 8, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

10. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

11. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

(Added to NRS by [2013, 3165](#))

**NRS 391.31217 Report to Interim Finance Committee on results of 2013-2014 validation study; determination by Interim Finance Committee whether all school districts prepared to implement statewide performance evaluation system.**

1. On or before August 1, 2014, the Department of Education shall submit a report to the Interim Finance Committee which includes, without limitation:

(a) An assessment of the results of the validation study of the statewide performance evaluation system conducted pursuant to [NRS 391.31213](#);

(b) The effectiveness of each school district that participated in the validation study in implementing the statewide performance evaluation system; and

(c) The determination of the Department whether all school districts that participated in the validation study are prepared, commencing with the 2014-2015 school year, to implement the statewide performance evaluation system for all of its teachers and administrators.

2. On or before August 15, 2014, the Interim Finance Committee shall review the report submitted by the Department of Education pursuant to subsection 1 and make a determination whether all school districts that participated in the validation study are prepared to implement the statewide performance evaluation system for all of its teachers and administrators commencing with the 2014-2015 school year.

3. If the Interim Finance Committee determines that all school districts which participated in the validation study are prepared to implement, during the 2014-2015 school year, the statewide performance evaluation system:

(a) All school districts that participated in the validation study shall implement the statewide performance evaluation system adopted by the State Board of Education pursuant to [NRS 391.465](#) for its teachers and administrators commencing with the 2014-2015 school year and each school year thereafter.

(b) The Department of Education may request a work program revision pursuant to [NRS 353.220](#) to transfer not more than \$1,315,000 from the Reserve Category to the Regional Professional Development Category in the Account for Programs for Innovation and the Prevention of Remediation created by [NRS 385.379](#) for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system.

4. If the Interim Finance Committee determines that all school districts that participated in the validation study are not prepared to implement, during the 2014-2015 school year, the statewide performance evaluation system:

(a) Except as otherwise provided in [NRS 391.31212](#), all school districts that participated in the validation study shall comply with the policies for the evaluations of teachers and administrators prescribed by [NRS 391.31214](#) and [391.31215](#) for the 2014-2015 school year and also participate in a second validation study of the statewide performance evaluation system for that school year pursuant to [NRS 391.31213](#).

(b) The Department of Education may request a work program revision pursuant to [NRS 353.220](#) to transfer not more than \$986,250 from the Reserve Category to the Regional Professional Development Category in the Account for Programs for Innovation and the Prevention of Remediation created by [NRS 385.379](#) for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system.

5. On or before September 1, 2014, the Department of Education shall provide notice to the board of trustees of each school district concerning the determination made by the Interim Finance Committee pursuant to subsection 2.

6. As used in this section, “administrator” means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

(Added to NRS by [2013, 3160](#))

**NRS 391.31218 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2014-2015 school year.**

1. If a validation study is not conducted pursuant to [NRS 391.31213](#) for the 2014-2015 school year, each postprobationary teacher and administrator who is employed by a school district that did not opt out of the delay of the implementation of the statewide performance evaluation system and that participated in the validation study during the 2013-2014 school year must be evaluated during the 2014-2015 school year pursuant to [NRS 391.3125](#) or [391.3127](#), respectively, and must, as part of the evaluation, be observed at least two times as follows:

(a) The first observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. For the 2015-2016 school year and each school year thereafter, each postprobationary teacher and administrator who is evaluated pursuant to [NRS 391.3125](#) or [391.3127](#), respectively, must, as part of the evaluation, be observed in accordance with the observation schedule set forth in [NRS 391.3125](#) or [391.3127](#), as applicable, based upon the designation of the overall performance of the employee for the 2014-2015 school year.

(Added to NRS by [2013, 3168](#))

**NRS 391.31219 Observation schedule for postprobationary teachers and administrator if statewide performance evaluation system implemented for 2015-2016 school year.**

1. If a validation study is conducted pursuant to [NRS 391.31213](#) for the 2014-2015 school year, each postprobationary teacher and administrator who is employed by a school district that did not opt out of the delay of the implementation of the statewide performance evaluation system and that participated in the validation study for that school year must be evaluated during the 2015-2016 school

year pursuant to [NRS 391.3125](#) or [391.3127](#), respectively, and must, as part of the evaluation, be observed at least two times as follows:

(a) The first observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. For the 2016-2017 school year and each school year thereafter, each postprobationary teacher and administrator who is evaluated pursuant to [NRS 391.3125](#) or [391.3127](#), respectively, must, as part of the evaluation, be observed in accordance with the observation schedule set forth in [NRS 391.3125](#) or [391.3127](#), as applicable, based upon the designation of the overall performance of the employee for the 2015-2016 school year.

(Added to NRS by [2013, 3168](#))

**NRS 391.3122 Validation study of counselors, librarians and certain other educational personnel for 2014-2015 school year.**

1. On or before August 1, 2014, the Department of Education shall, in consultation with the boards of trustees of the 17 school districts, select a representative sample of counselors, librarians and other licensed educational personnel, except for teachers and administrators, for a validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to [NRS 391.465](#). Each school district shall participate in the validation study.

2. For the 2014-2015 school year:

(a) The evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to [NRS 391.465](#) will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by [NRS 391.31214](#).

(b) Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.

3. The counselors, librarians and other licensed educational personnel who are selected for the validation study must be evaluated in accordance with [NRS 391.31214](#) and in accordance with the policy for evaluations set forth in [NRS 391.3125](#).

(Added to NRS by [2013, 3168](#))

**NRS 391.3123 Implementation of statewide performance evaluation system for counselors, librarians and certain other licensed educational personnel for 2015-2016 school year.** Commencing with the 2015-2016 school year, the board of trustees of each school district shall implement and carry out the policy for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, required by [NRS 391.3125](#).

(Added to NRS by [2013, 3169](#))

## EVALUATIONS

**NRS 391.3125 Policy for evaluations of licensed educational personnel; number of evaluations and observation schedule; request by postprobationary teacher for another evaluator; recommendations and assistance for employee; copy of evaluation.**

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

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy



must comply with the statewide performance evaluation system established by the State Board pursuant to [NRS 391.465](#). The policy must set forth a means according to which an employee's overall performance is determined to be highly effective, effective, minimally effective or ineffective. Except as otherwise provided in subsection 9, the policy must require that pupil achievement data, as prescribed by the State Board pursuant to [NRS 391.465](#), account for at least 50 percent of the evaluation. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. The person charged with the evaluation of a teacher pursuant to this section shall hold a conference with the teacher before and after each scheduled observation of the teacher during the school year.

4. A probationary teacher must be evaluated three times during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the teacher during the school year as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

5. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must be evaluated three times in the immediately succeeding school year in accordance with the observation schedule set forth in subsection 4. If a postprobationary teacher is evaluated three times in a school year and he or she receives an evaluation designating his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

6. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:

(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

7. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

8. The evaluation of a probationary teacher or a postprobationary teacher pursuant to this section must comply with the regulations of the State Board adopted pursuant to [NRS 391.465](#), which must include, without limitation:

- (a) An evaluation of the instructional practice of the teacher in the classroom;
- (b) An evaluation of the professional responsibilities of the teacher to support learning and promote the effectiveness of the school community;
- (c) Except as otherwise provided in subsection 9, an evaluation of the performance of pupils enrolled in the school;
- (d) An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;
- (e) Recommendations for improvements in the performance of the teacher;
- (f) A description of the action that will be taken to assist the teacher in the areas of instructional practice, professional responsibilities and the performance of pupils; and
- (g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

9. The evaluation of a probationary teacher in his or her initial year of employment as a probationary teacher must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to [NRS 391.3129](#).

10. 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. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to improve his or her performance based upon the recommendations reported in the evaluation of the teacher.

(Added to NRS by 1973, 790; A 1975, 614; 1979, 1607, 1830; [1985, 1084](#); [1987, 1005](#); [1989, 1426](#); [1995, 393](#); [2007, 2164, 2453](#); [2011, 2286, 2288, 3087, 3089](#); [2013, 3150](#))

**NRS 391.3127 Policy for evaluations of administrators; number of evaluations and observation schedule; request by postprobationary administrator for another evaluator; recommendations and assistance for employee; procedures for transfer or reassignment and appeal to board.**

1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to [NRS 391.465](#). The policy must set forth a means according to which an administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective. Except as otherwise provided in subsection 8, the policy must require that pupil achievement data, as prescribed by the State Board pursuant to [NRS 391.465](#), account for at least 50 percent of the evaluation. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. The person charged with the evaluation of an administrator pursuant to this section shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.

3. A probationary administrator must be evaluated three times during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the probationary administrator during the school year as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

4. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must be evaluated three times in the immediately succeeding school year in accordance with the observation schedule set forth in subsection 3. If a postprobationary administrator is evaluated three times in a school year and he or she receives an evaluation designating his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary administrator may request that the third evaluation be conducted by another administrator. If a postprobationary administrator requests that his or her third evaluation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary administrator from a list of three candidates submitted by the superintendent.

5. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:

(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

6. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

7. The evaluation of an administrator pursuant to this section must comply with the regulations of the State Board adopted pursuant to [NRS 391.465](#), which must include, without limitation:

(a) An evaluation of the instructional leadership practices of the administrator at the school;

(b) An evaluation of the professional responsibilities of the administrator to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection 8, an evaluation of the performance of pupils enrolled in the school;

(d) An evaluation of whether the administrator employs practices and strategies to involve and engage the parents and families of pupils enrolled in the school;

(e) Recommendations for improvements in the performance of the administrator; and

(f) A description of the action that will be taken to assist the administrator in the areas of instructional leadership practice, professional responsibilities and the performance of pupils.

8. The evaluation of a probationary administrator in his or her initial year of probationary employment must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to [NRS 391.3129](#).

9. Each probationary administrator is subject to the provisions of [NRS 391.3128](#) and [391.3197](#).

10. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

(Added to NRS by 1973, 790; A 1975, 615; 1979, 1608, 1831; [1985, 1085](#); [1987, 1005](#); [2011, 2289, 2290, 3090, 3091](#); [2013, 3153](#))

**NRS 391.3128 Evaluation designating performance of probationary employee as minimally effective or ineffective: Contents of written statement included in evaluation; request for another evaluator; request for assistance in improving performance.**

1. If a written evaluation of a probationary teacher, or a probationary administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, designates the overall performance of the teacher or administrator as “minimally effective” or “ineffective”:

(a) The written evaluation must include the following statement: “Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a ‘minimally effective’ or ‘ineffective’ evaluation on the first or second evaluation, or both evaluations for this school year, you may request that the third evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in improving your performance based upon the recommendations reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in improving your performance.”

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator to which subsection 1 applies requests assistance in improving performance reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in improving his or her performance.

(Added to NRS by [2011, 2283](#); A [2011, 2297, 3093](#); [2013, 3155](#))

**NRS 391.3129 Evaluation designating performance of postprobationary employee as minimally effective or ineffective: Circumstances under which employee deemed probationary and required to serve additional probationary period.** A postprobationary employee who receives an evaluation designating his or her overall performance as:

1. If evaluated pursuant to [NRS 391.3125](#) or [391.3127](#), as applicable:

(a) Minimally effective;

(b) Ineffective; or

(c) Minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period; or

2. If evaluated pursuant to any other system of evaluation, any designation which indicates that the overall performance of the employee is below average, Ê for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of [NRS 391.311](#) to [391.3197](#), inclusive, and must serve an additional probationary period in accordance with the provisions of [NRS 391.3197](#).

(Added to NRS by [2011, 2258](#); A [2011, 2297](#))

#### DISCIPLINARY ACTION

#### **NRS 391.31297 Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; consideration of evaluations and standards of performance.**

1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to [NRS 389.550](#) or [389.805](#) and the college and career readiness assessment administered pursuant to [NRS 389.807](#).

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to [NRS 389.616](#) or [389.620](#);

(s) An intentional violation of [NRS 388.5265](#) or [388.527](#);

(t) Gross misconduct; or

(u) An intentional failure to report a violation of [NRS 388.135](#) if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

(Added to NRS by 1967, 968; A 1973, 791; [1987, 1004](#); [1999, 1434, 3241](#); [2001, 1211](#); [2011, 2246, 2285](#); [2013, 3281](#))—(Substituted in revision for NRS 391.312)

**NRS 391.313 Admonition of licensed employee: Duty of administrator; removal from records; when admonition not required.**

1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of [NRS 391.31297](#), the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in [NRS 391.314](#), allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

Ê The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to [NRS 391.3197](#).

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in [NRS 391.311](#) to [391.3197](#), inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h), (p) and (t) of subsection 1 of [NRS 391.31297](#).

(Added to NRS by 1967, 968; A 1969, 853; 1973, 792; 1977, 1379; 1979, 1831; [1985, 1085](#); [1987, 1006](#); [1989, 1427](#); [1995, 394](#); [2007, 2166, 2454](#); [2011, 2290](#))

**NRS 391.314 Suspension of licensed employee; dismissal proceedings; reinstatement; salary during suspension or dismissal proceedings; forfeiture of right of employment for certain offenses; period of suspension.**

1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and the superintendent is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Notwithstanding the provisions of [NRS 391.31297](#), a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, the employee must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of [NRS 391.3125](#) to [391.3196](#), inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in [NRS 391.31297](#).

3. If sufficient grounds for dismissal do not exist, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other security which is acceptable to the board as a guarantee that the employee will repay any amounts paid to him or her pursuant to this subsection as salary during a period of suspension is entitled to continue to receive his or her salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept security other than a bond. An employee who receives salary pursuant to this subsection shall repay it if the employee is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to [NRS 179D.010](#) to [179D.550](#), inclusive, or is convicted of an act forbidden by [NRS 200.508](#), [201.190](#), [201.265](#), [201.540](#), [201.560](#) or [207.260](#) forfeits all rights of employment from the date of his or her arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his or her arrest or the date on which his or her employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his or her right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if the employee is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in [NRS 391.31297](#).

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in [NRS 391.31297](#). An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

(Added to NRS by 1967, 969; A 1971, 380; 1973, 792; 1977, 1380; 1979, 1832; [1985, 1086](#); [1987, 1007](#); [1991, 945](#); [1997, 1687](#); [2003, 432](#), [1394](#); [2007, 2777](#); [2011, 225](#))

**NRS 391.315 Recommendation for demotion, dismissal or nonreemployment; request for appointment of hearing officer.**

1. A superintendent may recommend that a teacher be dismissed or not reemployed.

2. A superintendent may recommend that an administrator be demoted, dismissed or not reemployed.

3. The board may recommend that a superintendent be dismissed or not reemployed.

4. If the board recommends that a superintendent be demoted, dismissed or not reemployed, it may request the appointment of a hearing officer, depending upon the grounds for the recommendation.

(Added to NRS by 1967, 969; A 1973, 793; 1979, 1833)

**NRS 391.3161 Request for hearing officer; appointment; procedures for challenging selection of hearing officer; duties of hearing officer.**

1. Each request for the appointment of a person to serve as a hearing officer must be submitted to the Superintendent of Public Instruction.

2. Within 10 days after receipt of such a request, the Superintendent of Public Instruction shall request that the Hearings Division of the Department of Administration appoint a hearing officer.

3. The State Board shall prescribe the procedures for exercising challenges to a hearing officer, including, without limitation, the number of challenges that may be exercised and the time limits in which the challenges must be exercised.

4. A hearing officer shall conduct hearings in cases of demotion, dismissal or a refusal to reemploy based on the grounds contained in subsection 1 of [NRS 391.31297](#).

5. This section does not preclude the employee and the superintendent from mutually selecting an attorney who is a resident of this State, an arbitrator provided by the American Arbitration Association or a representative of an agency or organization that provides alternative dispute resolution services to serve as a hearing officer to conduct a particular hearing.

(Added to NRS by 1973, 789; A 1979, 1608, 1833; [1985, 1048](#); [1993, 183](#); [2005, 464](#))

**NRS 391.317 Notice of intention to recommend demotion, dismissal or refusal to reemploy; rights of employee; request for expedited hearing if dismissed before completion of current school year.**

1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer pursuant to [NRS 391.315](#) to [391.3194](#), inclusive, or if a dismissal of the employee will occur before the completion of the current school year or if the employee is deemed to be a probationary employee pursuant to [NRS 391.3129](#) and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.

(c) Refer to [chapter 391](#) of NRS.

3. If a postprobationary employee or an employee who is deemed to be a probationary employee pursuant to [NRS 391.3129](#) receives notice that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of [NRS 391.3161](#), [391.3192](#) and [391.3193](#) do not apply.

(Added to NRS by 1967, 969; A 1973, 793; 1979, 1833; [1985, 1087](#); [1987, 1008](#); [1989, 1427](#); [2005, 465](#); [2011, 2260, 2291](#); [2013, 3814](#))

**NRS 391.318 Request for hearing: Action by superintendent.**

1. If a request for a hearing is not made within the time allowed, the superintendent shall file his or her recommendation with the board. The board may, by resolution, act on the recommendation as it sees fit.

2. If a request for a hearing is made, the superintendent shall not file his or her recommendation with the board until a report of the hearing officer is filed with the superintendent.

(Added to NRS by 1967, 970; A 1973, 794; 1979, 1834)

**NRS 391.3192 Procedures for hearing; payment for expenses of hearing officer and transcript.**

1. As soon as possible after the time of his or her designation, the hearing officer shall hold a hearing to determine whether the grounds for the recommendation are substantiated.

2. The Superintendent of Public Instruction shall furnish the hearing officer with any assistance which is reasonably required to conduct the hearing, and the hearing officer may require witnesses to give testimony under oath and produce evidence relevant to the investigation.



3. The licensed employee and superintendent are entitled to be heard, to be represented by an attorney and to call witnesses in their behalf.

4. The hearing officer is entitled to be reimbursed for his or her reasonable actual expenses.

5. If requested by the hearing officer, an official transcript must be made.

6. The board and the licensed employee are equally responsible for the expense of and compensation for the hearing officer and the expense of the official transcript.

7. The State Board shall develop a set of uniform standards and procedures to be used in such a hearing. The technical rules of evidence do not apply to this hearing.

(Added to NRS by 1967, 970; A 1973, 794; 1979, 1610, 1834; [1985, 1049](#); [1987, 1009](#); [2005, 465](#))

**NRS 391.31925 Person with communications disability entitled to use of registered legal interpreter at hearing.** The licensed employee or a witness at a hearing under [NRS 391.311](#) to [391.3196](#), inclusive, who is a person with a communications disability as defined in [NRS 50.050](#), is entitled to the services of an interpreter at public expense in accordance with the provisions of [NRS 50.050](#) to [50.053](#), inclusive. The interpreter must be appointed by the hearing officer.

(Added to NRS by 1979, 658; A [1987, 1009](#); [2001, 1778](#); [2007, 174](#))

**NRS 391.3193 Written report of hearing: Contents; final and binding if so agreed; time limited for filing.**

1. Except as otherwise provided in subsection 3, within 30 days after the time of his or her designation, the hearing officer shall complete the hearing and shall prepare and file a written report with the superintendent and the licensed employee involved not later than 15 days after the conclusion of the hearing.

2. The report must contain an outline of the scope of the hearing, findings of fact and conclusions of law, and recommend a course of action to be taken by the board. The report of the hearing officer is final and binding on the employee and the board if the employee and the superintendent have so agreed before the selection of the hearing officer was begun.

3. If it appears that the report cannot be prepared within 15 days, the licensed employee and the superintendent shall be so notified before the end of that period, and the hearing officer may take the time necessary not exceeding 30 days following the conclusion of the hearing to file the written report and recommendation.

4. The licensed employee and the superintendent or the superintendent's designee may mutually agree to waive any of the time limits applicable to the hearing procedure.

(Added to NRS by 1967, 970; A 1971, 381; 1973, 795; 1979, 1610, 1835; [1987, 1009](#))

**NRS 391.3194 Action by superintendent upon receipt of report; action by board; notice to licensed employee; judicial review.**

1. Within 5 days after the superintendent receives the report of the hearing officer the superintendent shall either withdraw the recommendation to demote, dismiss or not reemploy the licensed employee or file his or her recommendation with the board.

2. Within 15 days after the receipt of the recommendation of the superintendent, the board shall either accept or reject the hearing officer's recommendation and notify the licensed employee in writing of its decision.

3. The board may, before making a decision, refer the report back to the hearing officer for further evidence and recommendations. Within 15 days after the report is referred to him or her, the hearing officer shall complete the report and file it with the board and mail a copy to the superintendent and licensed employee.

4. The licensed employee may appeal the decision to a district court within the time limits and in the manner provided by law for appeals of administrative decisions of state agencies. If the report of the

hearing officer is final and binding, the employee or the board may request judicial review of the report in the manner provided in [NRS 38.241](#) and [38.242](#).

(Added to NRS by 1967, 971; A 1971, 381; 1973, 795; 1979, 1611, 1835; [1987, 1010](#); [2001, 1285](#); [2003, 35, 41](#))

#### PROBATIONARY AND POSTPROBATIONARY EMPLOYMENT

##### **NRS 391.3196 Reemployment of postprobationary employees: Notice of reemployment or delivery of contract; acceptance of employment.**

1. On or before May 1 of each year, the board shall notify postprobationary employees in their employ, in writing, by certified mail or by delivery of the employee's contract, concerning their reemployment for the ensuing year. If the board, or the person designated by it, fails to notify a postprobationary employee who has been employed by a school district of the employee's status for the ensuing year, the employee shall be deemed to be reemployed for the ensuing year under the same terms and conditions as he or she is employed for the current year.

2. This section does not apply to any licensed employee who has been recommended to be demoted, dismissed or not reemployed if proceedings have commenced and no final decision has been made by the board. A licensed employee may be demoted or dismissed for grounds set forth in [NRS 391.31297](#) after the employee has been notified that he or she is to be reemployed for the ensuing year.

3. Any licensed employee who is reemployed pursuant to subsection 1 shall, by May 10, notify the board in writing of the employee's acceptance of employment. Failure on the part of the employee to notify the board of his or her acceptance within the specified time is conclusive evidence of the employee's rejection of the contract.

4. If the licensed employees are represented by a recognized employee organization and negotiation has been commenced pursuant to [NRS 288.180](#), then the provisions of subsections 1, 2 and 3 do not apply except in the case of a demotion, dismissal or decision not to reemploy an employee. Before May 10 of each year, the employees shall notify the board in writing, on forms provided by the board, of their acceptance of reemployment. Any agreement negotiated by the recognized employee organization and the board becomes a part of the contract of employment between the board and the employee. The board shall mail contracts, by certified mail with return receipts requested, to each employee to be reemployed at the last known address of the employee or shall deliver the contract in person to each employee, obtaining a receipt therefor. Failure on the part of the employee to notify the board of the employee's acceptance within 10 days after receipt of the contract is conclusive evidence of the employee's rejection of the contract.

(Added to NRS by 1967, 971; A 1971, 10; 1973, 796; 1979, 1611, 1836; [1985, 1087](#); [1987, 1010](#); [1989, 1428](#))

**NRS 391.31965 Certain postprobationary employees subsequently employed by another school district or charter school not required to serve probationary period; exception.** Except as otherwise provided in this section, if a postprobationary employee of a school district or charter school in this state:

1. Voluntarily leaves his or her employment; and

2. Is, within 5 years after the date on which the employee left that employment, employed by any school district or charter school in this state in a position that is comparable to the position in which the employee attained postprobationary status,

he or she must be allowed to continue as a postprobationary employee and must not be required to serve the probationary period required by subsection 1 of [NRS 391.3197](#). This section does not apply to a postprobationary employee who voluntarily leaves his or her employment during the pendency of a proceeding for the suspension, demotion, dismissal or refusal to reemploy the postprobationary employee.

(Added to NRS by [1985, 1083](#); A [1989, 325](#); [2001, 1906, 3162](#))

**NRS 391.3197 Probationary employment: Term; notice of reemployment; school district required to offer probationary administrator contract as teacher under certain circumstances; request for expedited hearing if dismissed before completion of current school year.**

1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

3. A probationary employee who:

- (a) Completes a 3-year probationary period;
- (b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and
- (c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

5. A new employee who is employed as an administrator to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, or a postprobationary teacher who is employed as an administrator to provide those administrative services shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

6. An administrator who has completed his or her probationary period pursuant to subsection 5 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

7. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

(Added to NRS by 1969, 272; A 1971, 382; 1973, 790, 797; 1975, 615; 1977, 1380; 1979, 1836; [1985, 1088](#); [1989, 1428](#); [1995, 395](#); [2001, 606](#); [2007, 2166, 2455](#); [2011, 2291, 2293, 3091](#); [2013, 3155](#))

#### SUSPENSION AND REVOCATION OF LICENSES

**NRS 391.320 Suspension or revocation of teacher's license by State Board.** The State Board of Education may suspend or revoke the license of any teacher for any cause specified by law.

[354:32:1956]—(NRS A 1979, 1612; [1987, 1011](#))

**NRS 391.321 Mandatory suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license.** [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the State Board receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the State Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the State Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The State Board shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to [NRS 425.540](#) if the State Board receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

(Added to NRS by [1997, 2049](#))

**NRS 391.322 Notice to licensee of receipt of recommendation for suspension or revocation of license; written request for hearing; selection of hearing officer; immediate processing required upon receipt of notice of conviction of licensee.**

1. If the board of trustees of a school district or the Superintendent of Public Instruction or the Superintendent's designee submits a recommendation to the State Board for the suspension or revocation of a license issued pursuant to this chapter, the State Board shall give written notice of the recommendation to the person to whom the license has been issued.

2. A notice given pursuant to subsection 1 must contain:

- (a) A statement of the charge upon which the recommendation is based;
- (b) A copy of the recommendation received by the State Board;
- (c) A statement that the licensee is entitled to a hearing before a hearing officer if the licensee makes a written request for the hearing as provided by subsection 3; and
- (d) A statement that the grounds and procedure for the suspension or revocation of a license are set forth in [NRS 391.320](#) to [391.361](#), inclusive.

3. A licensee to whom notice has been given pursuant to this section may request a hearing before a hearing officer selected pursuant to subsection 4. Such a request must be in writing and must be filed with the Superintendent of Public Instruction within 15 days after receipt of the notice by the licensee.

4. Upon receipt of a request filed pursuant to subsection 3, the Superintendent of Public Instruction shall request from the Hearings Division of the Department of Administration a list of potential hearing officers. The licensee requesting a hearing and the Superintendent of Public Instruction shall select a person to serve as hearing officer from the list provided by the Hearings Division of the Department of Administration by alternately striking one name until the name of only one hearing officer remains. The Superintendent of Public Instruction shall strike the first name.

5. Except as otherwise provided in subsection 6, if no request for a hearing is filed within the time specified in subsection 3, the State Board may suspend or revoke the license or take no action on the recommendation.

6. If the Department receives notice of a conviction of a licensee and the conviction is for an act which is a ground for the suspension or revocation of a license, the State Board shall immediately process the recommendation in accordance with the provisions of [NRS 391.320](#) to [391.361](#), inclusive. If no request for a hearing is filed within the time specified in subsection 3, the State Board may accept, reject or modify the recommendation.

(Added to NRS by [1993, 857](#); A [2005, 465](#); [2007, 427](#))

**NRS 391.323 Time of hearing; report and recommendation by hearing officer; action by State Board of Education upon receipt of report.**

1. Within 30 days after the selection of a hearing officer pursuant to [NRS 391.322](#), the hearing officer shall conduct a hearing. Within 15 days after the conclusion of the hearing, the hearing officer shall prepare and file with the Superintendent of Public Instruction a report containing:

- (a) A recommendation as to whether the license of the licensee should be suspended or revoked; and
- (b) Findings of fact and conclusions of law which support the recommendation.

2. The State Board may accept or reject the recommendation or refer the report back to the hearing officer for further evidence and recommendation, and shall notify the teacher, administrator or other licensed employee in writing of its decision. The decision of the State Board is a final decision in a contested case.

(Added to NRS by [1993, 858](#))

**NRS 391.330 Grounds for suspension or revocation of license.** The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to [NRS 391.322](#) and [391.323](#), for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a 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 a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.
8. Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to [NRS 389.550](#) or [389.805](#) and the college and career readiness assessment administered pursuant to [NRS 389.807](#).
9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to [NRS 389.616](#) or [389.620](#).
10. An intentional violation of [NRS 388.5265](#) or [388.527](#).  
[355:32:1956]—(NRS A 1975, 538; 1977, 1634; 1979, 1612; [1987, 1011](#); [1993, 858](#); [1999, 1435, 3242](#); [2001, 1212](#); [2003, 1396](#); [2013, 3282](#))

**NRS 391.340 Revocation or forfeiture for falsely reporting pupils' attendance.** Any teacher, principal or superintendent who knowingly reports, causes to be reported, or permits the report of the presence of any pupil at school when the pupil is absent, or when school is not in session, forfeits his or her license or subjects it to revocation. The license may not be restored or a new one granted within 1 year after the forfeiture or revocation.

[356:32:1956]—(NRS A [1987, 1011](#))

**NRS 391.350 Suspension or revocation of license for employee's failure to fulfill employment obligations or breach of contract; suspension or revocation of administrator's license for wrongfully securing employee's acceptance of employment; notice to other agencies of revocation.**

1. Any teacher or other licensed employee employed by any board for a specified time who willfully refuses or fails to fulfill his or her employment obligations after the employee has notified the board of his or her acceptance of employment under subsection 3 of [NRS 391.3196](#) or subsection 2 of [NRS 391.3197](#) or to comply with the provisions of his or her contract after it has been signed without first obtaining the written consent of the board may be found guilty of unprofessional conduct. The board shall not unreasonably withhold its consent. Any administrator who willfully secures the signature on a statement of intent to accept employment of any teacher or other licensed employee who has notified the board of another school district in this State of his or her acceptance of employment is guilty of unprofessional conduct, unless the employee has first obtained the written consent of the board to which he or she has given notice of acceptance. If the failure or refusal to comply with the provisions of the contract is the result of having subsequently executed an employment contract with another board in this State without the written consent of the board first employing him or her, the second contract is void.

2. Upon receiving a formal complaint from the board, substantiated by conclusive evidence of a teacher's failure or refusal under subsection 1 or that an administrator has willfully secured such a signature, the State Board may suspend or revoke the license of the teacher or administrator after notice and opportunity for a hearing have been provided pursuant to [NRS 391.322](#) and [391.323](#).

3. The Superintendent of Public Instruction shall notify state agencies for education in other states of any revocation pursuant to this section.

[357:32:1956]—(NRS A 1959, 807; 1967, 967; 1975, 539; 1979, 1612; [1985, 1089](#); [1987, 1012](#); [1993, 858](#))

**NRS 391.355 Procedure for conduct of hearings.**

1. The State Board shall adopt rules of procedure for the conduct of hearings conducted pursuant to [NRS 391.323](#).

2. The rules of procedure must provide for boards of trustees of school districts or the Superintendent of Public Instruction or the Superintendent's designee to bring charges, when cause exists.

3. A hearing officer selected pursuant to [NRS 391.322](#) shall, upon the request of a party, issue subpoenas to compel the attendance of witnesses and the production of books, records, documents or other pertinent information to be used as evidence in hearings conducted pursuant to [NRS 391.323](#).

(Added to NRS by 1965, 542; A 1975, 539; 1979, 1612, 1837; 1981, 512; [1987, 1012](#); [1993, 859](#))

**NRS 391.361 Charges not to become part of employee's permanent record if State Board of Education determines evidence insufficient.** If charges are brought against a teacher, administrator or other educational personnel for the suspension or revocation of his or her license and the State Board of Education determines that there is not sufficient evidence to suspend or revoke the license, the complaint and any related documents must not be made a part of that person's permanent employment record.

(Added to NRS by [1987, 997](#))

#### BENEFITS AND ANNUITIES

**NRS 391.375 Plan of school district for extension of benefits of social security to substitute teachers; approval by state agency.** Every school district in the State shall submit, for approval by the state agency, as that term is defined in [NRS 287.130](#), its plan for extending the benefits of Title II of the Social Security Act to licensed public school teachers in the position of substitute teachers, immediately upon receiving a request for such coverage pursuant to the provisions of [NRS 287.190](#).

(Added to NRS by 1971, 19; A [1987, 1013](#))

**NRS 391.380 Annuities or shares for employees: Purchase; conditions.**

1. The board of trustees of any school district in this state may purchase an annuity or shares for any teacher, principal, superintendent of schools or other employee of that district under a plan which meets the requirements 26 U.S.C. § 403(b).

2. That purchase must be made only upon the written request of the employee and upon an agreement in writing that:

(a) The payments made constitute an allocable part of that employee's total compensation, as that term is defined in [NRS 286.025](#);

(b) The annuity or shares so purchased are the property of that employee and all rights thereunder are nontransferable and nonforfeitable except for a failure to make required payments; and

(c) The board of trustees has no liability under any such arrangement.

3. All requests under this section must be received and acted upon without discrimination so long as the employee is within the class of persons entitled by law to enjoy the benefits of the provisions of 26 U.S.C. § 403(b).

4. The shares purchased must be those of a regulated investment company as permitted under 26 U.S.C. § 403(b)(7).

(Added to NRS by 1965, 712; A 1975, 1065; [1985, 794](#))

## **TRAINING AND EDUCATION OF PERSONNEL WHO WORK WITH PUPILS WITH AUTISM SPECTRUM DISORDERS**

**NRS 391.400 Definitions.** As used in [NRS 391.400](#) to [391.420](#), inclusive, unless the context otherwise requires, "Grant Fund" means the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism Spectrum Disorders.

(Added to NRS by [2009, 1538](#); A [2011, 2707, 2717](#))

**NRS 391.405 Creation of Grant Fund; acceptance of gifts and grants; uses of money in Fund; application for grant by school districts and charter schools.**

1. There is hereby created the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism Spectrum Disorders to be administered by the Department. The Department may accept gifts, grants and donations from any source for deposit in the Grant Fund.

2. The money in the Grant Fund must be used only for the distribution of money to school districts and charter schools for programs of training as set forth in [NRS 391.410](#), [391.415](#) and [391.420](#) and to provide assistance to licensed educational personnel who work with pupils with autism spectrum disorders in obtaining an appropriate endorsement to teach those pupils.

3. The board of trustees of a school district or the governing body of a charter school may apply to the Department on a form prescribed by the Department for a grant of money from the Grant Fund. The application must include a description of the program of training for which the grant of money will be used.

(Added to NRS by [2009, 1538](#); A [2011, 2707, 2717](#))

**NRS 391.410 Training required for certain personnel; authorization for school districts and charter schools to contract for provision of training; limitation on requirements to extent of available money.**

1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who work with pupils with autism spectrum disorders receive the appropriate preparation and training necessary to serve those pupils. The training may include, without limitation:

(a) The characteristics of autism spectrum disorders, including, without limitation, behavioral and communication characteristics;

(b) Methods for determining, on a regular and consistent basis, the specific needs of a pupil with autism spectrum disorder to ensure the pupil is meeting the objectives and goals described in the individualized education program of the pupil or other educational plan prepared for the pupil;

(c) The procedure for evaluating pupils who demonstrate behaviors which are consistent with autism spectrum disorders;

(d) Approaches for use in the classroom to assist a pupil with autism spectrum disorder with communication and social development; and

(e) Methods of providing support to pupils with autism spectrum disorders and their families.

2. To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for licensed educational personnel employed by the school district or charter school who work with pupils with autism spectrum disorders in accordance with this section.

(Added to NRS by [2009, 1538](#); A [2011, 2707, 2717](#))

**NRS 391.415 Training required for certain personnel to assist parents and guardians of pupils with autism spectrum disorders; limitation on requirements to extent of available money.** To the



extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism spectrum disorder in making decisions about the services and programs available for the pupil receive the appropriate preparation and training:

1. On using the 2008 Report of the Nevada Autism Task Force and any subsequent report issued by the Nevada Autism Task Force created pursuant to chapter 348, Statutes of Nevada 2007, or its successor organization, to determine best practices in the development of programs for pupils with autism spectrum disorders; and

2. To provide the parent or legal guardian with information on all options for treatment and intervention that may assist the pupil in the pupil's development and advancement.

(Added to NRS by [2009, 1538](#); A [2011, 2707, 2717](#))

**NRS 391.420 Training required for certain paraprofessionals; authorization for school districts and charter schools to contract for provision of training; limitation on requirements to extent of available money.**

1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that a paraprofessional who is employed by the school district or charter school to provide assistance to pupils with autism spectrum disorders receives the appropriate preparation and training to acquire:

- (a) Knowledge of autism spectrum disorder, including, without limitation:

- (1) The characteristics of autism and the range of spectrum disorders within a diagnosis of autism;

- (2) An understanding of the importance of building relationships between pupils with autism spectrum disorders, other pupils and teachers or adults to encourage the independence of a pupil with autism spectrum disorder; and

- (3) The ability to determine the patterns of behavior of pupils with autism spectrum disorders;

- (b) The ability to provide structure and predictability through the consistent use of methods that support prior learning and continued development;

- (c) The ability to adapt, modify or structure the environment based upon an understanding of the auditory, visual or other sensory stimuli which may be reinforcing, calming or distracting to the pupil;

- (d) The ability to use positive behavioral supports, including, without limitation, the use of discrete trial, structured teaching methods, reinforcement and generalized approaches to enhance the pupil's education and prevent behavioral problems, as directed by the pupil's teacher or other appropriate personnel;

- (e) The ability to accurately collect and record data on the progress of a pupil with autism spectrum disorder and report to the pupil's teacher in a timely manner if a particular strategy or program is not producing the planned outcome for the pupil; and

- (f) The ability to communicate effectively and consistently with pupils with autism spectrum disorders using communication techniques designed for those pupils.

2. To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for a paraprofessional who provides assistance to pupils with autism spectrum disorders in accordance with this section.

(Added to NRS by [2009, 1539](#); A [2011, 2708, 2718](#))

## TEACHERS AND LEADERS COUNCIL OF NEVADA; STATEWIDE PERFORMANCE EVALUATION SYSTEM

**NRS 391.450 “Council” defined.** As used in [NRS 391.450](#) to [391.470](#), inclusive, “Council” means the Teachers and Leaders Council of Nevada created by [NRS 391.455](#).

(Added to NRS by [2011, 3085](#); A [2013, 3157](#))

**NRS 391.455 Creation of Council; membership; terms; election of Chair; meetings and quorum; allowance and travel expenses; administrative support by Department.**

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 391.512](#) 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. The Department shall provide administrative support to the Council.

8. 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](#).

(Added to NRS by [2011, 3085](#))

**NRS 391.460 Council required to make recommendations to State Board concerning statewide performance evaluation system; authorization to establish working groups and task forces.**

1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, counselors, librarians and other licensed educational personnel employed by school districts are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by [NRS 391.465](#);

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers, administrators, counselors, librarians and other licensed educational personnel throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers, administrators to which paragraph (a) applies, counselors, librarians and other licensed educational personnel and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers, administrators, counselors, librarians and other licensed educational personnel; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by [NRS 391.465](#).

(Added to NRS by [2011, 3086](#); A [2013, 3157](#))

**NRS 391.465 Establishment of statewide performance evaluation system by State Board.**

1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to [NRS 391.460](#), adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Except as otherwise provided in subsection 9 of [NRS 391.3125](#) and subsection 8 of [NRS 391.3127](#), require that pupil achievement data account for at least 50 percent of the evaluation.

(d) Prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c).

(e) Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, employs practices and strategies to involve and engage the parents and families of pupils.

(f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

(Added to NRS by [2011, 3087](#); A [2013, 3158](#))

**NRS 391.470 Annual report by school districts concerning process for peer evaluations of teachers.** On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by [NRS 391.455](#) concerning the implementation and effectiveness of the process for peer evaluations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph (f) of subsection 2 of [NRS 391.465](#), including, without limitation, any recommendations for revisions to the process of peer evaluations.

(Added to NRS by [2013, 3149](#))

#### **REGIONAL TRAINING PROGRAMS FOR THE PROFESSIONAL DEVELOPMENT OF TEACHERS AND ADMINISTRATORS; NEVADA EARLY LITERACY INTERVENTION PROGRAMS**

**NRS 391.500 Definitions.** As used in [NRS 391.500](#) to [391.556](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 391.504](#) and [391.508](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2001 Special Session, 176](#); A [2003, 914](#); [2011, 2310](#); [2013, 1691](#))

**NRS 391.504 "Regional training program" defined.** "Regional training program" means a regional training program for the professional development of teachers and administrators created pursuant to [NRS 391.512](#).

(Added to NRS by [2001 Special Session, 176](#))

**NRS 391.508 “Statewide Council” defined.** “Statewide Council” means the Statewide Council for the Coordination of the Regional Training Programs created by [NRS 391.516](#).

(Added to NRS by [2001 Special Session, 176](#))

**NRS 391.510 Superintendent of Public Instruction required to ensure Statewide Council and regional training programs carry out duties successfully.** The Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of the Statewide Council and the regional training programs set forth in [NRS 391.500](#) to [391.556](#), inclusive, are carried out by the Statewide Council and the regional training programs successfully.

(Added to NRS by [2011, 2309](#))

**NRS 391.512 Creation of regional training programs and Nevada Early Literacy Intervention Programs; provision of services to teachers and administrators in certain geographical areas; designation of certain school districts as fiscal agent.**

1. There are hereby created the Southern Nevada Regional Training Program, the Northeastern Nevada Regional Training Program and the Northwestern Nevada Regional Training Program. The governing body of each regional training program shall establish and operate a:

(a) Regional training program for the professional development of teachers and administrators.

(b) Nevada Early Literacy Intervention Program through the regional training program established pursuant to paragraph (a).

2. Except as otherwise provided in subsection 5, the Southern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Clark County;

(b) Esmeralda County;

(c) Lincoln County;

(d) Mineral County; and

(e) Nye County.

3. Except as otherwise provided in subsection 5, the Northeastern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Elko County;

(b) Eureka County;

(c) Lander County;

(d) Humboldt County;

(e) Pershing County; and

(f) White Pine County.

4. Except as otherwise provided in subsection 5, the Northwestern Nevada Regional Training Program must primarily provide services to teachers and administrators who are employed by school districts in:

(a) Carson City;

(b) Churchill County;

(c) Douglas County;

(d) Lyon County;

(e) Storey County; and

(f) Washoe County.

5. Each regional training program shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training program.

6. The board of trustees of the:

(a) Clark County School District shall serve as the fiscal agent for the Southern Nevada Regional Training Program.

(b) Elko County School District shall serve as the fiscal agent for the Northeastern Nevada Regional Training Program.

(c) Washoe County School District shall serve as the fiscal agent for the Northwestern Nevada Regional Training Program.

Ê As fiscal agent, each school district is responsible for the payment, collection and holding of all money received from this State for the maintenance and support of the regional training program and Nevada Early Literacy Intervention Program established and operated by the applicable governing body.

(Added to NRS by [2001 Special Session, 176](#); A [2003, 2795](#); [2005, 1341](#); [2009, 1361](#); [2011, 2310](#))

**NRS 391.516 Statewide Council for the Coordination of the Regional Training Programs: Creation; membership; terms; vacancy; compensation; administrative support.**

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 must be paid from the Legislative Fund.

(b) All other members must be paid by the Department.

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

8. 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.

(Added to NRS by [2001 Special Session, 177](#); A [2003, 2796](#); [2005, 1657](#); [2009, 1362](#); [2011, 1982](#); [2013, 1692](#))

**NRS 391.520 Statewide Council for the Coordination of the Regional Training Programs: Duties; acceptance of gifts and grants authorized.**

1. The Statewide Council shall meet not less than four times per year.
2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to [NRS 391.540](#) and [391.544](#). The standards must ensure that the training provided by the regional training programs includes activities set forth in 20 U.S.C. § 7801(34), as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of [NRS 391.544](#).

(b) In cooperation with the Office of Parental Involvement and Family Engagement created by [NRS 385.630](#), establish a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(d) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(e) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(f) Adopt uniform procedures and criteria for use by the governing body of each regional training program to report the evaluation conducted pursuant to [NRS 391.552](#).

(g) Review and recommend any necessary revisions to the 5-year plan prepared by the governing body of each regional training program pursuant to [NRS 391.540](#).

(h) Review and recommend any necessary revisions to the annual report prepared by the governing body of each regional training program pursuant to [NRS 391.552](#).

(i) Ensure that the governing body of each regional training program considers the plans to improve the achievement of pupils prepared pursuant to [NRS 385.357](#) for the public schools within the primary jurisdiction of the regional training program and the plan to improve the achievement of pupils prepared by the State Board pursuant to [NRS 385.3593](#) and is guided by those plans in the provision of professional development for teachers and administrators.

(j) Coordinate with the Office of Parental Involvement and Family Engagement in carrying out the duties of the Office.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to [NRS 391.544](#); and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable

federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to [NRS 391.544](#), including, without limitation, providing money from the budget of the Statewide Council to match the money received from a federal grant.

(Added to NRS by [2001 Special Session, 177](#); A [2003, 2797](#); [2003, 19th Special Session, 75](#); [2011, 1983](#); [2013, 1693](#))

**NRS 391.524 Governing body of regional training program: Membership; terms; vacancy.**

1. Each regional training program must have a governing body consisting of:

(a) The superintendent of schools, or the superintendent's designee, for each school district that is included within the primary jurisdiction of the regional training program. The superintendent of schools serves ex officio.

(b) Teachers who are considered masters, appointed by the superintendents of schools of the school districts that are included within the primary jurisdiction of the regional training program and the representatives of higher education appointed to the governing body. Each teacher who wishes to be considered for appointment to the governing body must submit an application explaining his or her qualifications as a master teacher. At least one teacher must be appointed from each school district within the primary jurisdiction of the regional training program.

(c) Representatives of the Nevada System of Higher Education, appointed by the Board of Regents, and representatives of other institutions of higher education, as determined by the superintendents of school districts included within the primary jurisdiction of the regional training program.

(d) A nonvoting member who is an employee of the Department.

2. After the appointments are made, the governing body shall select a chair from among its membership.

3. Each member of the governing body shall serve a term of 2 years. A person must not be appointed to serve more than three consecutive terms.

4. A vacancy in the governing body must be filled in the same manner as the original appointment.

(Added to NRS by [2001 Special Session, 178](#))

**NRS 391.528 Governing body of regional training program: Meetings; no salary or compensation.**

1. Each governing body shall meet not less than two times per year and at the call of the chair.

2. Members of the governing body serve without salary or compensation for their travel or per diem expenses.

(Added to NRS by [2001 Special Session, 178](#))

**NRS 391.532 Governing body of regional training program: Employment and salary of coordinator; duties of coordinator.**

1. The governing body of each regional training program shall:

(a) Employ or otherwise contract with a coordinator of the program, who serves at the pleasure of the governing body.

(b) Set the salary or other compensation of the coordinator.

2. The coordinator of each regional training program shall:

(a) Assist in the evaluation of the regional training program, as directed by the governing body; and

(b) Perform such other duties as directed by the governing body.

(Added to NRS by [2001 Special Session, 178](#); A [2005, 1658](#); [2013, 1694](#))

**NRS 391.536 Governing body of regional training program: Submission of proposed biennial budget to Statewide Council; approval or denial of proposed budget by Statewide Council; inclusion of approved budget in Department's biennial budget; acceptance of gifts and grants authorized.**



1. On or before the deadline prescribed by the Statewide Council, the governing body of each regional training program shall submit a proposed biennial budget for the regional training program to the Statewide Council.

2. The proposed biennial budget of the regional training program must be in the form prescribed by the Superintendent of Public Instruction and include, without limitation, the amount of money requested by the governing body to pay for the salary or other compensation of the coordinator of the program hired pursuant to [NRS 391.532](#).

3. The Statewide Council may deny any portion of a proposed biennial budget submitted by a regional training program. If the Statewide Council denies any portion of a proposed biennial budget, the Statewide Council shall provide a written report that describes the reasons for the denial to the governing body of the regional training program that submitted the proposed biennial budget, and the governing body of the regional training program may revise the proposed biennial budget and resubmit the revised proposed biennial budget to the Statewide Council for review. If the Statewide Council denies any portion of the revised proposed biennial budget, the Statewide Council shall submit a copy of the written report describing the reasons for the denial to:

(a) The governing body of the regional training program that submitted the revised proposed biennial budget;

(b) The fiscal agent for the regional training program;

(c) The Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(d) The Legislative Committee on Education.

4. The proposed biennial budget of each regional training program, or the parts thereof, that was approved by the Statewide Council pursuant to subsection 3 must be included in the biennial budget of the Department. Any portion of the approved biennial budget of a regional training program that exceeds the budget for the regional training program in the immediately preceding biennium must be included in the biennial budget of the Department as a separate line item.

5. The governing body of a regional training program may:

(a) Accept gifts and grants from any source to assist the governing body in providing the training required by [NRS 391.544](#).

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to [NRS 391.544](#), including, without limitation, providing money from the budget of the governing body to match the money received from a federal grant.

(Added to NRS by [2001 Special Session, 178](#); A [2003, 2798](#); [2003, 19th Special Session, 76](#); [2005, 1658](#); [2013, 1694](#))

**NRS 391.538 Governing body of regional training program: Request for revision of budget; form and submission; approval or disapproval by Statewide Council; determination whether work program revision is necessary.**

1. If the governing body of a regional training program determines that a revision of the budget for the program is necessary because of changed conditions, the governing body may submit a request for a budget revision for the remainder of a fiscal year to the Statewide Council.

2. Every request for a budget revision must be submitted to the Statewide Council in the form and with such supporting information as the Superintendent of Public Instruction prescribes.

3. The Statewide Council shall approve or disapprove the request for a budget revision in writing. The Statewide Council may approve the request if the Statewide Council determines the budget revision is necessary because of changed conditions.

4. If the Statewide Council approves the request for a budget revision, the Statewide Council shall determine whether a request for a revision of a work program pursuant to [NRS 353.220](#) is necessary. If

the request for a revision of a work program pursuant to [NRS 353.220](#) is necessary, the procedures set forth in [NRS 353.220](#) must be complied with before the governing body of the regional training program may implement the budget revision.

(Added to NRS by [2013, 1690](#))

**NRS 391.540 Governing body of regional training program: Adoption of training model; assessment of training needs; preparation and review of 5-year plan; request by another entity for regional training program to perform additional services or duties.**

1. The governing body of each regional training program shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b) and as deemed necessary by the governing body, review the plans to improve the achievement of pupils prepared pursuant to [NRS 385.357](#) for individual schools within the primary jurisdiction of the regional training program.

(d) Prepare a 5-year plan for the regional training program for review by the Statewide Council, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan including, without limitation, the biennial budget of the regional training program for those 2 years.

Ê The governing body shall incorporate into the 5-year plan any revisions recommended by the Statewide Council.

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education and the board of trustees of a school district may request the governing body of the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional training program may, but is not required to, grant a request pursuant to this subsection.

(Added to NRS by [2001 Special Session, 179](#); A [2003, 19th Special Session, 76](#); [2005, 713, 1658](#); [2009, 2332; 2011, 3501; 2013, 1695, 1933](#))

**NRS 391.542 Governing body of regional training program: Establishment of evaluation system for teachers and other personnel participating in program.**

1. The governing body of each regional training program shall establish an evaluation system for the teachers and other licensed educational personnel who participate in the program. The evaluation system must include:

(a) Specific measures of the success of each teacher and other licensed person who participates in the training provided by the program; and

(b) Recommendations for follow-up for the teacher or other licensed person to strengthen his or her skills in the classroom or otherwise in his or her position of employment with the school district or charter school.

2. Each evaluation must be provided in written form to the person who is evaluated and the principal of the school at which the person is employed, if applicable, or, if the person is not supervised by a school principal, his or her direct supervisor.

(Added to NRS by [2011, 2310](#))

**NRS 391.544 Provision of training to teachers, other licensed educational personnel and administrators; maintenance and distribution of training list; authority to contract with board of trustees for additional training; training for paraprofessionals authorized.**

1. Based upon the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to [NRS 391.540](#), each regional training program shall provide:

(a) Training for teachers and other licensed educational personnel in the:

(1) Standards established by the Council to Establish Academic Standards for Public Schools pursuant to [NRS 389.520](#);

(2) Curriculum and instruction required for the common core state standards adopted by the State Board;

(3) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(4) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) Training for administrators who conduct the evaluations required pursuant to [NRS 391.3125](#) and [391.3127](#) relating to the manner in which such evaluations are conducted. Such training must be developed in consultation with the Teachers and Leaders Council of Nevada created by [NRS 391.455](#).

(d) Training for teachers, administrators and other licensed educational personnel relating to correcting deficiencies and addressing recommendations for improvement in performance that are identified in the evaluations conducted pursuant to [NRS 391.3125](#) or [391.3127](#).

(e) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b), training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(f) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of [NRS 391.520](#) training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to [NRS 389.520](#);

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

Ê The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in [NRS 391.512](#) to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

(Added to NRS by [2001 Special Session, 179](#); A [2003, 2798](#); [2003, 19th Special Session, 77](#); [2011, 1984](#), [2311](#); [2013, 1696](#))

**NRS 391.545 Governing body authorized to facilitate and coordinate access to information related to suicide; receipt of information by teachers and administrators does not create additional duty.**

1. The governing body of a regional training program may facilitate and coordinate access to information by teachers and administrators concerning issues related to suicide among pupils. Such information must be offered for educational purposes only.

2. Receipt of or access to information pursuant to subsection 1 does not create a duty for any person in addition to those duties otherwise required in the course of his or her employment.

(Added to NRS by [2003, 913](#))

**NRS 391.548 Payment of certain costs and expenses by regional training program.**

1. To the extent that money is available from legislative appropriation or otherwise, a regional training program must pay:

(a) The salaries and travel expenses of staff and other personnel necessary to the operation of the program;

(b) Related administrative expenses; and

(c) The costs incurred to acquire equipment and space to operate the program.

2. To the extent that money is available from legislative appropriation or otherwise, a regional training program may provide incentives for teachers to attend the regional training program, including, without limitation:

(a) Arrangement for credit toward renewal of a license or an endorsement for a license;

(b) Provision of books, supplies or instructional materials for the classrooms; and

(c) Provision of stipends.

(Added to NRS by [2001 Special Session, 180](#))

**NRS 391.552 Evaluation of regional training program by governing body; submission of annual report.** The governing body of each regional training program shall:

1. Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures and criteria adopted by the Statewide Council pursuant to [NRS 391.520](#).

2. Before submitting the annual report pursuant to subsection 3, submit the annual report to the Statewide Council for its review and incorporate into the annual report any revisions recommended by the Statewide Council.

3. On or before September 1 of each year, submit an annual report to the State Board, the Commission, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:

(a) The priorities for training adopted by the governing body pursuant to [NRS 391.540](#).

(b) The type of training offered through the regional training program in the immediately preceding year.

(c) The number of teachers and administrators who received training through the regional training program in the immediately preceding year.

(d) The number of administrators who received training pursuant to paragraph (c) of subsection 1 of [NRS 391.544](#) in the immediately preceding year.

(e) The number of teachers, administrators and other licensed educational personnel who received training pursuant to paragraph (d) of subsection 1 of [NRS 391.544](#) in the immediately preceding year.

(f) The number of teachers who received training pursuant to subparagraph (1) of paragraph (f) of subsection 1 of [NRS 391.544](#) in the immediately preceding year.

(g) The number of paraprofessionals, if any, who received training through the regional training program in the immediately preceding year.

(h) An evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to subsection 1.

(i) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

(j) The 5-year plan for the regional training program prepared pursuant to [NRS 391.540](#) and any revisions to the plan made by the governing body in the immediately preceding year.

(Added to NRS by [2001 Special Session, 180](#); A [2003, 2799](#); [2003, 19th Special Session, 78](#); [2005, 1342](#); [2013, 1698](#))

**NRS 391.556 Submission of annual report by board of trustees.** The board of trustees of each school district shall submit an annual report to the State Board, the Commission, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes for the immediately preceding year:

1. The number of teachers and administrators employed by the school district who received training through the program, including, without limitation, the type of training received.

2. An evaluation of whether that training included the:

(a) Standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to [NRS 389.520](#);

(b) Curriculum and instruction required for the common core standards adopted by the State Board;

(c) Curriculum and instruction recommended by the Teachers and Leaders Council of Nevada; and

(d) Culturally relevant pedagogy, taking into account cultural diversity and demographic differences throughout this State.

3. An evaluation of the effectiveness of the training on improving the quality of instruction and the achievement of pupils.

(Added to NRS by [2001 Special Session, 180](#); A [2011, 2312](#))

#### **PROTECTION FOR DISCLOSURE OF IRREGULARITIES IN TESTING ADMINISTRATION AND SECURITY**

**NRS 391.600 Definitions.** As used in [NRS 391.600](#) to [391.648](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 391.602](#) to [391.620](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2001, 1209](#); A [2013, 3283](#))

**NRS 391.602 “Assessment” defined.** “Assessment” means the college and career readiness assessment administered to pupils in grade 11 pursuant to [NRS 389.807](#).

(Added to NRS by [2013, 3280](#))

**NRS 391.604 “Examination” defined.** “Examination” means:

1. The examinations that are administered to pupils pursuant to [NRS 389.550](#) or [389.805](#); and

2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(Added to NRS by [2001, 1209](#), A [2013, 3283](#))

**NRS 391.608 “Irregularity in testing administration” defined.** “Irregularity in testing administration” means the failure to administer an examination or assessment in the manner intended by the person or entity that created the examination or assessment.

(Added to NRS by [2001, 1209](#); A [2013, 3283](#))

**NRS 391.612 “Irregularity in testing security” defined.** “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination or assessment, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to [NRS 389.616](#) or [389.620](#);

2. The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination or assessment.

(Added to NRS by [2001, 1209](#); A [2013, 3283](#))

**NRS 391.616 “Reprisal or retaliatory action” defined.** “Reprisal or retaliatory action” includes, without limitation:

1. Frequent or undesirable changes in the location of an office;
2. Frequent or undesirable transfers or reassignments;
3. The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;
4. A demotion;
5. A reduction in pay;
6. The denial of a promotion;
7. A suspension;
8. A dismissal;
9. A transfer; or
10. Frequent changes in working hours or workdays,

if such action is taken, in whole or in part, because the school official disclosed information concerning irregularities in testing administration or testing security.

(Added to NRS by [2001, 1209](#))

**NRS 391.620 “School official” defined.** “School official” means:

1. A member of a board of trustees of a school district;
2. A member of a governing body of a charter school; or
3. A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

(Added to NRS by [2001, 1209](#))

**NRS 391.624 Declaration of policy concerning disclosure of irregularities in testing administration and security.** It is hereby declared to be the policy of this state that a school official is encouraged to disclose, to the extent not expressly prohibited by law, irregularities in testing administration and testing security, and it is the intent of the Legislature to protect the rights of a school official who makes such a disclosure.

(Added to NRS by [2001, 1209](#))

**NRS 391.628 School official prohibited from using authority or influence to prevent disclosure of information.**

1. A school official shall not directly or indirectly use or attempt to use his or her official authority or influence to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another school official in an effort to interfere with or prevent the disclosure of information concerning irregularities in testing administration or testing security.

2. As used in this section, “official authority or influence” includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

(Added to NRS by [2001, 1210](#))

**NRS 391.632 School official authorized to file appeal with State Board for reprisal or retaliatory action taken in response to disclosure; hearing; order to desist and refrain; adoption of rules of procedure for hearings.**

1. If any reprisal or retaliatory action is taken against a school official who discloses information concerning irregularities in testing administration or testing security within 2 years after the information is disclosed, the school official may file a written appeal with the State Board for a hearing on the matter and determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

(a) The facts and circumstances pursuant to which the disclosure of information concerning irregularities in testing administration or testing security was made; and

(b) The reprisal or retaliatory action that is alleged to have been taken against the school official.

Ê The hearing must be conducted in accordance with the rules of procedure adopted by the State Board pursuant to subsection 4.

2. If the State Board determines that the action taken was a reprisal or retaliatory action, it may issue an order directing the proper person to desist and refrain from engaging in such action.

3. The State Board may not rule against the school official based on the identity of the person or persons to whom the information concerning irregularities in testing administration or testing security was disclosed.

4. The State Board shall adopt rules of procedure for conducting a hearing pursuant to this section.

(Added to NRS by [2001, 1210](#))

**NRS 391.636 State Board authorized to issue subpoenas during investigation or hearing concerning reprisal or retaliatory action; enforcement of subpoena by court.**

1. During any stage of an investigation or hearing concerning allegations of reprisal or retaliatory action, the State Board may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, but not limited to, books, papers, documents, records, photographs, recordings, reports and tangible objects.

2. If a witness refuses to attend, testify or produce materials as required by the subpoena, the State Board may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the State Board pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials as required by the subpoena before the State Board, or has refused to answer questions propounded to him or her, Ê and asking for an order of the court compelling the witness to attend, testify or produce materials before the State Board.

3. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the State Board. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the State Board, the court shall enter an order that the witness appear before the State Board at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

(Added to NRS by [2001, 1210](#))

**NRS 391.640 Use of provisions for harassment prohibited; penalty for willful disclosure of untruthful information.**

1. No school official may use the provisions of [NRS 391.600](#) to [391.648](#), inclusive, to harass another school official.



2. A person who willfully discloses untruthful information concerning irregularities in testing administration or testing security:

- (a) Is guilty of a misdemeanor; and
- (b) Is subject to appropriate disciplinary action.

(Added to NRS by [2001, 1211](#))

**NRS 391.644 Department required to provide written summary of provisions to school districts and charter schools; distribution of written summary to school officials.** Each year, the Department shall provide to the board of trustees of each school district and to the governing body of each charter school a written summary of [NRS 391.600](#) to [391.648](#), inclusive. Upon receipt of the written summary, the board of trustees or governing body, as appropriate, shall provide a copy of the written summary to all other school officials within the school district or charter school.

(Added to NRS by [2001, 1211](#))

**NRS 391.648 Provisions do not abrogate or decrease effect of crimes or punishments.** Except as otherwise provided in [NRS 391.640](#), the provisions of [NRS 391.600](#) to [391.648](#), inclusive, are intended to be directory and preventive rather than punitive. The provisions of [NRS 391.600](#) to [391.648](#), inclusive, do not abrogate or decrease the effect of any of the provisions of NRS that define crimes or prescribe punishments with respect to the conduct of school officials.

(Added to NRS by [2001, 1211](#))