
ASSEMBLY BILL NO. 109—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

FEBRUARY 10, 2021

Referred to Committee on Education

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

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

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

AN ACT relating to education; revising requirements for teachers who provide instruction at a charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, at least 70 percent of teachers who provide instruction at a
2 charter school must demonstrate experience and qualifications through licensure or
3 subject matter expertise. Existing law provides that teachers who teach certain
4 subjects at a charter school must be licensed. Under existing law, a charter school
5 may employ a person to teach who does not have a license or subject matter
6 expertise if the person meets certain requirements. (NRS 388A.518) **Section 1** of
7 this bill instead requires that all teachers who provide instruction at a charter school
8 be licensed to teach in this State.

9 **Sections 2-7** of this bill make conforming changes related to the requirement
10 that all teachers providing instruction at a charter school have a license. **Section 8**
11 of this bill provides that a teacher who is employed to teach at a charter school on
12 or before July 1, 2021, and who does not have a license to teach may continue to
13 teach at the charter school without obtaining a license until July 1, 2026.



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

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

3 388A.518 ~~[1. Except as otherwise provided in this~~
4 ~~subsection, at least 70 percent of the]~~ **All** teachers who provide
5 instruction at a charter school must ~~[demonstrate experience and~~
6 ~~qualifications through licensure or subject matter expertise. If a~~
7 ~~charter school operates a vocational school, the charter school shall,~~
8 ~~to the extent practicable, ensure that at least 70 percent of the~~
9 ~~teachers who provide instruction at the school demonstrate~~
10 ~~experience and qualifications through licensure or subject matter~~
11 ~~expertise, but in no event may less than 50 percent of the teachers~~
12 ~~who provide instruction at the school demonstrate experience and~~
13 ~~qualifications through licensure or subject matter expertise.~~

14 ~~2. If a charter school specializes in:~~

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

18 ~~— (b) The construction industry or other building industry,~~
19 ~~teachers who are employed full time to teach courses of study~~
20 ~~relating to business and industry must:~~

21 ~~— (1) Demonstrate experience and qualifications through~~
22 ~~subject matter expertise; or~~

23 ~~— (2) Hold a license issued by the Superintendent of Public~~
24 ~~Instruction which contains an endorsement to teach such courses.~~

25 ~~3. A teacher who is employed by a charter school, regardless of~~
26 ~~the date of hire, must demonstrate experience and qualifications~~
27 ~~through licensure or subject matter expertise if the teacher teaches~~
28 ~~one or more of the following subjects:~~

29 ~~— (a) English language arts;~~

30 ~~— (b) Mathematics;~~

31 ~~— (c) Science;~~

32 ~~— (d) A foreign or world language;~~

33 ~~— (e) Civics or government;~~

34 ~~— (f) Economics;~~

35 ~~— (g) Geography;~~

36 ~~— (h) History; or~~

37 ~~— (i) The arts.~~

38 ~~4. Except as otherwise provided in NRS 388A.515, a charter~~
39 ~~school may employ a person who does not demonstrate experience~~
40 ~~and qualifications through licensure or subject matter expertise to~~
41 ~~teach a course of study for which a teacher is not required to~~
42 ~~demonstrate such experience and qualifications if the person has:~~



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

3 ~~—(b) At least 2 years of experience in that field.~~

4 ~~—5. A teacher who is employed by a charter school to teach~~
5 ~~special education or English as a second language must be licensed~~
6 ~~to teach special education or English as a second language, as~~
7 ~~applicable.~~

8 ~~—6. For purposes of this section, a teacher demonstrates~~
9 ~~experience and qualifications through licensure or subject matter~~
10 ~~expertise:~~

11 ~~—(a) If the teacher is employed by a charter school that has not~~
12 ~~received, within the immediately preceding 2 consecutive school~~
13 ~~years, one of the three highest ratings of performance pursuant to~~
14 ~~the statewide system of accountability for public schools, or~~
15 ~~equivalent ratings in another state, as determined by the Department,~~
16 ~~and the:~~

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

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

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

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

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

40 ~~—7. If a charter school that has received within the immediately~~
41 ~~preceding 2 consecutive school years, one of the three highest~~
42 ~~ratings of performance pursuant to the statewide system of~~
43 ~~accountability for public schools, or equivalent ratings in another~~
44 ~~state, as determined by the Department, intends to employ persons~~



1 ~~to teach who are not licensed, the charter school shall within 3~~
2 ~~years:~~

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

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

10 **Sec. 2.** NRS 388A.5334 is hereby amended to read as follows:
11 388A.5334 1. The Department shall adopt regulations that
12 establish a procedure for the notification, tracking and monitoring of
13 the status of criminal cases involving ~~teachers and~~ administrators
14 who are employed by a charter school but are not licensed pursuant
15 to chapter 391 of NRS. The procedure must include, without
16 limitation:

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

20 (1) The act for which the employee is arrested:
21 (I) May be a ground for the suspension or revocation of a
22 person's license pursuant to NRS 391.330; and
23 (II) Is not excluded by the Department from the
24 notification requirements of this section; and

25 (2) The charter school has knowledge of the arrest.
26 (b) The method by which the administrative head of a charter
27 school must notify the Department in a timely manner of:

28 (1) Each action, if any, taken against the employee by the
29 charter school after the arrest; and
30 (2) The conviction of the employee, if the employee is
31 convicted of the act for which he or she was arrested.

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

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

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

41 (b) The reason why the employee was arrested;

42 (c) The steps taken by the Department in response to all notices
43 received by the Department from a charter school pursuant to
44 subsection 1; and



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

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

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

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

17 388A.5336 The governing body of each charter school shall
18 adopt a policy which requires a person who is employed by the
19 charter school as ~~["a teacher or"]~~ *an* administrator but who is not
20 licensed pursuant to chapter 391 of NRS to report to the charter
21 school if the employee is arrested for or convicted of a crime. The
22 policy must include, without limitation, an identification of:

23 1. The crimes for which an arrest or conviction must be
24 reported;

25 2. The person to whom the report must be made; and

26 3. The time period after the arrest or conviction in which the
27 report must be made.

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

29 388A.5340 Immunity from civil or criminal liability extends to
30 every person who, pursuant to NRS 388A.5332 to 388A.5342,
31 inclusive, in good faith:

32 1. Participates in the making of a report;

33 2. Causes or conducts an investigation of a person who is
34 employed by the charter school as ~~["a teacher or"]~~ *an* administrator
35 who is not licensed pursuant to chapter 391 of NRS and who is
36 arrested; or

37 3. Submits information to the Department concerning a person
38 who is employed by the charter school as ~~["a teacher or"]~~ *an*
39 administrator, who is not licensed pursuant to chapter 391 of NRS
40 and who is arrested.

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

42 388A.5342 The governing body of a charter school shall
43 terminate the employment of any ~~["teacher or"]~~ administrator who is
44 employed by the charter school but is not licensed pursuant to
45 chapter 391 of NRS upon his or her conviction of a:



- 1 1. Felony or crime involving moral turpitude; or
- 2 2. Sex offense pursuant to NRS 200.366, 200.368, 201.190,
- 3 201.220, 201.230, 201.540 or 201.560.

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

5 391.170 ~~[1.—Except as otherwise provided in subsection 2, a]~~

6 A teacher or other employee for whom a license is required is not
7 entitled to receive any portion of public money for schools as
8 compensation for services rendered unless he or she:

9 ~~[(a)]~~ 1. Is legally employed by the board of trustees of the
10 school district or the governing body of the charter school in which
11 he or she is teaching or performing other educational functions.

12 ~~[(b)]~~ 2. Has a license authorizing him or her to teach or
13 perform other educational functions at the level and, except as
14 otherwise provided in NRS 391.125, in the field for which he or she
15 is employed, issued in accordance with law and in full force at the
16 time the services are rendered.

17 ~~[2.—The provisions of subsection 1 do not prohibit the payment~~
18 ~~of public money to teachers or other employees who are employed~~
19 ~~by a charter school who are not required to demonstrate experience~~
20 ~~and qualifications through licensure or subject matter expertise~~
21 ~~pursuant to the provisions of NRS 388A.518.]~~

22 **Sec. 7.** NRS 391.230 is hereby amended to read as follows:

23 391.230 1. ~~[Except as otherwise provided in subsection 3,~~

24 ~~upon] Upon~~ the opening of any public school in this state, every
25 teacher and other licensed employee employed for that school shall
26 file with the superintendent of the county school district a Nevada
27 license entitling the holder to teach or perform other educational
28 functions in the school in which he or she will be employed, and any
29 other report that the Superintendent of Public Instruction requires.

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

35 ~~[3.—This section does not apply to unlicensed teachers who are~~
36 ~~employed by a charter school.]~~

37 **Sec. 8.** Notwithstanding the amendatory provisions of this act,
38 a teacher who is employed by a charter school on or before July 1,
39 2021, to provide instruction at the charter school but not licensed to
40 teach, and who, because of that employment, is required by NRS
41 388A.518, as amended by section 1 of this act, to be licensed as a
42 teacher pursuant to chapter 391 of NRS, may continue to provide
43 instruction at the charter school without obtaining a license to teach
44 until July 1, 2026.



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

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