



Assembly Bill (AB) 469

Proposed Definitions and Regulatory Language

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Presentation Outcomes

AB 469 Subcommittee Members will review draft definitions and regulatory language based on feedback previously provided by the Subcommittee and the State Board of Education.

AB 469 - Section 16.4

To the greatest extent possible, the principal of a local school precinct shall select teachers who are licensed and *in good standing* before selecting substitutes to teach at the local school precinct. The principal, in consultation with the organizational team, shall make every effort to ensure that effective licensed teachers are employed at the local school precinct.

Defining “Good Attendance” for In Good Standing

Frontline Education:

The U.S. Department of Education’s definition of **chronic teacher absenteeism is 10 or more absences** in a school year. Meanwhile, the Rhode Island Department of Education — which took the unique step of designating teacher absenteeism as an area of focus in the state’s Equity Plan — defines teacher absenteeism as being absent for more than 10 percent of the school year.

Education Resources Information Center (ERIC)

According to multiple studies, a ten-day increase in teacher absence results in at least ten fewer days of learning for students. And then there’s the financial cost: According to one estimate, American taxpayers spend some \$4 billion every year on substitute teachers and associated administration. For the purposes of this report, **a teacher who is absent for more than ten days** in a school year is considered chronically absent (OCR uses the term “frequently absent”). Thus, most teachers are legally entitled to be chronically absent—and get paid for it.

ESS

Ten days per school year is considered the tipping point beyond which teacher absences go from an acceptable level to the problematic “chronic” level.

Defining “Good Attendance” for In Good Standing (continued)

[Foundation for Economic Education](#)

While arbitrary, **10 missed days** is the current research standard by which schools are measured and the number that garners a teacher the status of “chronically absent.”

[Union City Public Schools:](#)

A teaching staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with Board policy, falsifies the reason for an absence, is absent without authorization, is repeatedly tardy, or accumulates an excessive number of absences may be subject to appropriate consequences, which may include the withholding of a salary increment, dismissal, and/or certification of tenure charges.

Recommendation for Definition of “Good Attendance” within Nevada Administrative Code (NAC) 388G

- An employee has fewer than 10 absences in a school year.

Please note: Any absence related to documented medical or COVID-19 related circumstances should not affect an employee’s “Good Standing.”

Defining “Active Discipline” for In Good Standing

Clark County School District’s (CCSD) Current Definition (2021):

Active discipline is defined as a disciplinary document issued within three (3) years and one (1) day for licensed and unified employees per the Collective Bargaining Agreement (CBA).

A disciplinary document is defined as being active discipline for two (2) years and one (1) day if no other additional discipline has been issued or three (3) years and one (1) day if subsequent discipline was issued within those two (2) years per the CBA.

Recommendation for Definition of “Active Discipline”

Active discipline is defined as a disciplinary document issued within three (3) years and one (1) day. A disciplinary document is defined as being active discipline for two (2) years and one (1) day if no other additional discipline has been issued or three (3) years and one (1) day if subsequent discipline was issued within those two (2) years.

A grieved disciplinary document is still considered an active disciplinary document.

Recommended Regulatory Language

NAC 388G.XXX

1. As used in this subsection and for purposes of the implementation of paragraph 4 of NRS 388G.610:

- (a) “Large school district” has the meaning ascribed to it in NRS 388G.530.*
- (b) “Active discipline” shall mean any documented disciplinary action, including a grieved disciplinary document, taken within:*
 - (1) Two years and one day, if no subsequent documented disciplinary action has been taken during that time; or*
 - (2) Three years and one day, if a subsequent documented disciplinary action has been taken during the two years following the initial disciplinary action.*
- (c) A “documented disciplinary action” shall mean any oral warning, written warning, admonition, suspension, or dismissal.*
- (d) A “grieved disciplinary document” shall mean a dispute concerning the disciplinary document which arises regarding an interpretation, application, or alleged violation of any provisions of the collective bargaining agreement.*

Nevada Department

bargaining agreement.



Recommended Regulatory Language, cont. 1

(c) “In good standing” shall refer to a teacher who:

- (1) Holds a valid educator license in the State of Nevada;*
- (2) Has, on each evaluation completed within the most recent school year, achieved a summative rating of “developing” or higher on the Nevada Educator Performance Framework (NEPF);*
- (3) Has no active discipline in their personnel file;*
- (4) Has had fewer than 10 absences during the last school year, other than for documented medical reasons; and*
- (5) Is not prohibited from employment as an educator in this State by reason of sexual offenses or sexual misconduct pursuant to NRS 391.850 through 391.930, inclusive.*

Recommended Regulatory Language , cont. 2

(d) “To the greatest extent possible” shall mean that:

(1) The school district and principal have completed all reasonable due diligence prior to extending an offer of employment, including that required by NRS 391.850 through 391.930, inclusive, and the principal believes that the prospective hire satisfactorily meets the needs of the local school precinct and is an educator “in good standing” as defined in paragraph (c) of this subsection.

Recommended Regulatory Language, cont. 3

2. A principal of a local school precinct:

- (a) Shall have the discretion to select a candidate to fill a vacancy who does not meet the definition of “in good standing”; and*
- (b) Shall have the ability, during any open transfer period, to select candidates that meet the needs of the school and the position to be filled as evidenced in the Plan of Operation and/or Master Staffing Schedule.*

Recommended Regulatory Language , cont. 4

3. A large school district:

- (a) Shall make a list with an applied designation of In Good Standing or not In Good Standing of all eligible licensed candidates, to include contact information, available for review by any principal of a local school precinct;*
- (b) Shall not place any employee at a local school precinct at any time during a school year without the written consent of the principal;*
- (c) Shall develop procedures for principals, in instances in which a substitute teacher is selected to fill a vacancy, to:*
 - (1) Document compliance with the “to the greatest extent possible” standard defined in subparagraph (d) of subsection 1; and*
 - (2) Document the reasons why a licensed teacher was not chosen, if one was available for hire, based upon the local school precinct’s Master Staffing Schedule and approved Plan of Operation; and*
- (d) Shall provide a report on all such instances described in paragraph (c) above to the State Board of Education on or before June 30 of each year.*



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