

ASSEMBLY BILL NO. 378—ASSEMBLYWOMEN
DOOLING AND SHELTON

MARCH 17, 2015

Referred to Committee on Education

SUMMARY—Makes various changes relating to education.
(BDR 34-807)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included
in Executive Budget.

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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; eliminating the class-size reduction program; creating the Fund for Master Teachers to support a program of incentive pay for teachers, to be administered by the Department of Education; establishing requirements for the program of incentive pay; revising provisions governing the discipline and discharge of public school teachers and administrators; generally abolishing the distinction between probationary and postprobationary employment for teachers and administrators; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to establish by regulation the maximum pupil-teacher ratio in each grade and for each subject matter taught in each school district in this State. (NRS 387.123) Generally, the ratio of pupils to teachers in kindergarten and grades 1, 2 and 3 must not exceed a specified ratio, and each school district must develop a plan to reduce the ratio within the limits of available financial support. (NRS 388.700-388.725) **Sections 3-5, 12, 13 and 18** of this bill repeal those provisions and eliminate existing references to them.

Section 7 of this bill creates the Fund for Master Teachers and directs the Department of Education to establish a program of incentive pay for licensed classroom teachers who have demonstrated exemplary teaching performance. Under the program, a teacher who enters into a contract with the Department to teach in an at-risk school and provide training and mentoring to other teachers must be paid an annual stipend of not less than \$150,000 nor more than \$200,000, less the salary and monetary benefits otherwise payable to the teacher by the school



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district in which the teacher is employed. **Section 15** of this bill makes an appropriation to the Fund for the support of the program. **Section 16** of this bill directs the Department to establish the program as soon as practicable after July 1, 2015, for the purpose of having teachers in their new assignments as soon as practicable after January 1, 2016.

Existing law provides for the evaluation, discipline and discharge of public school teachers and administrators. (NRS 391.311-391.3197) Generally, during a 3-year period, probationary teachers and administrators are subject to more intensive evaluation, have no right to continued employment after any school year, and have limited procedural rights if they are suspended or dismissed during a school year. (NRS 391.3125, 391.3127, 391.3128, 391.3197) The admonition, demotion, suspension, dismissal and nonreemployment provisions that apply to postprobationary teachers and administrators are generally inapplicable to probationary teachers and administrators. (NRS 391.3115) However, existing law provides that a collective bargaining agreement supersedes these statutory provisions if the agreement contains provisions relating to dismissal and nonreemployment. (NRS 391.3116) **Section 10** of this bill generally eliminates the existing distinctions between probationary and postprobationary employees, except for the purposes of the evaluation requirements applicable to them. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, **section 10** provides that a postprobationary employee has no status or rights of employment different from those of a probationary employee and may be denied reemployment after any school year. **Section 10** also provides that a probationary or postprobationary employee may be suspended without pay or dismissed before the completion of a school year for just cause or any cause specified by statute. The provisions of existing law setting forth specific grounds for discipline and discharge, requiring a written admonition and providing for a hearing before a hearing officer are repealed by **section 18**.

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

Section 1. NRS 386.365 is hereby amended to read as follows:
386.365 1. Except as *otherwise* provided in subsection 3, each board of trustees in any county having a population of 100,000 or more shall give 15 days' notice of its intention to adopt, repeal or amend a policy or regulation of the board concerning any of the subjects set forth in subsection 4. The notice must:

(a) Include a description of the subject or subjects involved and must state the time and place of the meeting at which the matter will be considered by the board; and

(b) Be mailed to the following persons from each of the schools affected:

(1) The principal;

(2) The president of the parent-teacher association or similar body; and

(3) The president of the classroom teachers' organization or other collective bargaining agent.



1 ↪ A copy of the notice and of the terms of each proposed policy or
2 regulation, or change in a policy or regulation, must be made
3 available for inspection by the public in the office of the
4 superintendent of schools of the school district at least 15 days
5 before its adoption.

6 2. All persons interested in a proposed policy or regulation or
7 change in a policy or regulation must be afforded a reasonable
8 opportunity to submit data, views or arguments, orally or in writing.
9 The board of trustees shall consider all written and oral submissions
10 respecting the proposal or change before taking final action.

11 3. Emergency policies or regulations may be adopted by the
12 board upon its own finding that an emergency exists.

13 4. This section applies to policies and regulations concerning:

14 (a) Attendance rules;

15 (b) Zoning;

16 (c) Grading;

17 (d) District staffing patterns;

18 (e) Curriculum and program;

19 (f) Pupil discipline; and

20 (g) Personnel, except with respect to dismissals and refusals to
21 reemploy covered by contracts entered into as a result of the Local
22 Government Employee-Management Relations Act . ~~[- as provided~~
23 ~~in NRS 391.3116.]~~

24 **Sec. 2.** NRS 386.595 is hereby amended to read as follows:

25 386.595 1. All employees of a charter school shall be deemed
26 public employees.

27 2. The governing body of a charter school may make all
28 decisions concerning the terms and conditions of employment with
29 the charter school and any other matter relating to employment with
30 the charter school. In addition, the governing body may make all
31 employment decisions with regard to its employees pursuant to NRS
32 391.311 to 391.3197, inclusive . ~~[- unless a collective bargaining~~
33 ~~agreement entered into by the governing body pursuant to chapter~~
34 ~~288 of NRS contains separate provisions relating to the discipline of~~
35 ~~licensed employees of a school.]~~

36 3. Upon the request of the governing body of a charter school,
37 the board of trustees of a school district shall, with the permission of
38 the licensed employee who is seeking employment with the charter
39 school, transmit to the governing body a copy of the employment
40 record of the employee that is maintained by the school district. The
41 employment record must include, without limitation, each
42 evaluation of the licensed employee conducted by the school district
43 and any disciplinary action taken by the school district against the
44 licensed employee.



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

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

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

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district shall grant a leave of absence, not to exceed 3 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept employment with a charter school. After the first school year in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the third school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district. The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district



1 a copy of the employment record of the employee that is maintained
2 by the charter school before the return of the employee to
3 employment with the school district pursuant to subsection 4 or 5.
4 The employment record must include, without limitation, each
5 evaluation of the licensed employee conducted by the charter school
6 and any disciplinary action taken by the charter school against the
7 licensed employee. Before the return of the licensed employee, the
8 board of trustees of the school district may conduct an investigation
9 into any misconduct of the licensed employee during the leave of
10 absence from the school district and take any appropriate
11 disciplinary action as to the status of the person as an employee of
12 the school district, including, without limitation:

13 (a) The dismissal of the employee from employment with the
14 school district; or

15 (b) Upon the employee's return to employment with the school
16 district, documentation of the disciplinary action taken against the
17 employee into the employment record of the employee that is
18 maintained by the school district.

19 7. If a school district conducts an investigation pursuant to
20 subsection 6:

21 (a) The licensed employee is not entitled to return to
22 employment with the school district until the investigation is
23 complete; and

24 (b) The investigation must be conducted within a reasonable
25 time.

26 8. A licensed employee who is on a leave of absence from a
27 school district pursuant to this section:

28 (a) Shall contribute to and be eligible for all benefits for which
29 the employee would otherwise be entitled, including, without
30 limitation, participation in the Public Employees' Retirement
31 System and accrual of time for the purposes of leave and retirement.

32 (b) Continues, while the employee is on leave, to be covered by
33 the collective bargaining agreement of the school district only with
34 respect to any matter relating to his or her status or employment
35 with the district.

36 ➤ The time during which such an employee is on a leave of absence
37 and employed in a charter school does not count toward the
38 acquisition of permanent status with the school district.

39 9. Upon the return of a teacher to employment in the school
40 district, the teacher is entitled to the same level of retirement, salary
41 and any other benefits to which the teacher would otherwise be
42 entitled if the teacher had not taken a leave of absence to teach in a
43 charter school.

44 10. An employee of a charter school who is not on a leave of
45 absence from a school district is eligible for all benefits for which



the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

11. For all employees of a charter school:

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

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

12. If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

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

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

Sec. 3. NRS 386.740 is hereby amended to read as follows:

386.740 1. Each empowerment plan for a school must:

(a) Set forth the manner by which the school will be governed;

(b) Set forth the proposed budget for the school, including, without limitation, the cost of carrying out the empowerment plan, and the manner by which the money apportioned to the school will be administered;

(c) Prescribe the academic plan for the school, including, without limitation, the manner by which courses of study will be provided to the pupils enrolled in the school and any special programs that will be offered for pupils;

(d) Prescribe the manner by which the achievement of pupils will be measured and reported for the school, including, without limitation, the results of the pupils on the examinations administered pursuant to NRS 389.550 and, if applicable for the grade levels of the empowerment school, the end-of-course examinations administered pursuant to NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807;



(e) Prescribe the manner by which teachers and other licensed educational personnel will be selected and hired for the school, which must be determined and negotiated pursuant to chapter 288 of NRS;

(f) Prescribe the manner by which all other staff for the school will be selected and hired, which must be determined and negotiated pursuant to chapter 288 of NRS;

(g) Indicate whether the empowerment plan will offer an incentive pay structure for staff and a description of that pay structure, if applicable;

(h) Indicate the intended ratio of pupils to teachers at the school, designated by grade level ; ~~I, which must comply with NRS 388.700 or 388.720, as applicable;~~

(i) Provide a description of the professional development that will be offered to the teachers and other licensed educational personnel employed at the school;

(j) Prescribe the manner by which the empowerment plan will increase the involvement of parents and legal guardians of pupils enrolled in the school;

(k) Comply with the plan to improve the achievement of the pupils enrolled in the school prepared pursuant to NRS 385.357;

(l) Address the specific educational needs and concerns of the pupils who are enrolled in the school; and

(m) Set forth the calendar and schedule for the school.

2. If the empowerment plan includes an incentive pay structure, that pay structure must:

(a) Provide an incentive for all staff employed at the school;

(b) Set forth the standards that must be achieved by the pupils enrolled in the school and any other measurable objectives that must be met to be eligible for incentive pay; and

(c) Be in addition to the salary or hourly rate of pay negotiated pursuant to chapter 288 of NRS that is otherwise payable to the employee.

3. An empowerment plan may:

(a) Request a waiver from a statute contained in this title or a regulation of the State Board or the Department.

(b) Identify the services of the school district which the school wishes to receive, including, without limitation, professional development, transportation, food services and discretionary services. Upon approval of the empowerment plan, the school district may deduct from the total apportionment to the empowerment school the costs of such services.

4. For purposes of determining the budget pursuant to paragraph (b) of subsection 1, if a public school which converts to an empowerment school is a:



(a) Charter school, the amount of the budget is the amount equal to the apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, and its proportionate share of any other money available from federal, state or local sources that the school or the pupils enrolled in the school are eligible to receive.

(b) Public school, other than a charter school, the empowerment team for the school shall have discretion of 90 percent of the amount of money from the state financial aid and local funds that the school district apportions for the school, without regard to any line-item specifications or specific uses determined advisable by the school district, unless the empowerment team determines that a lesser amount is necessary to carry out the empowerment plan.

Sec. 4. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of



pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

~~§3.—Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:~~

~~—(a) The maintenance of an acceptable standard of instruction;~~

~~—(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and~~

~~—(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.~~

~~➔ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.~~

~~—4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.]~~

Sec. 5. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported by each school district pursuant to NRS 387.123 . ~~[and the data reported by each school district pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil teacher ratio as required by NRS 388.720.]~~



2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the review to the State Board and the Legislative Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:

(a) Long-term obligations in excess of the general obligation debt limit;

(b) Deficit fund balances or retained earnings in any fund;

(c) Deficit cash balances in any fund;

(d) Variances of more than 10 percent between total general fund revenues and budgeted general fund revenues; or

(e) Variances of more than 10 percent between total actual general fund expenditures and budgeted total general fund expenditures.

3. In preparing its biennial budgetary request for the State Distributive School Account, consult with the superintendent of schools of each school district or a person designated by the superintendent.

4. Provide, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

Sec. 6. NRS 388.529 is hereby amended to read as follows:

388.529 In addition to any penalty prescribed by specific statute, a person who intentionally uses aversive intervention on a pupil with a disability or intentionally violates NRS 388.527 is subject to disciplinary action pursuant to NRS ~~{391.31297-or}~~ 391.330. ~~{-or-both-}~~

Sec. 7. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Fund for Master Teachers, to be administered by the Department in accordance with the provisions of this section. The Department may accept gifts and grants from any source for deposit in the Fund. The cost of the program of incentive pay established pursuant to this section, including, without limitation, the stipends paid to teachers participating in the program, must be paid from the Fund.

2. The Department shall establish a program of incentive pay meeting the requirements of this section for each licensed teacher who:



(a) Has been employed as a licensed teacher for not less than 3 years;

(b) Has demonstrated exemplary teaching performance during his or her employment, as determined pursuant to subsection 3; and

(c) Enter into a written contract with the Department pursuant to which the teacher agrees during the term of the contract to:

(1) Accept assignment to a school which is at-risk, as identified by the Department pursuant to subsection 8 of NRS 391.166 for the purposes of that section; and

(2) Provide training and mentoring to probationary teachers and teachers who have, at any time during the immediately preceding 2 years of their employment, received an evaluation rating the overall performance of the teacher as minimally effective, ineffective, below average or otherwise unsatisfactory.

3. On or before March 1 of each year, from among the teachers employed by the board of trustees of each school district who are assigned full time to provide classroom instruction to pupils and who meet the requirements of paragraph (a) of subsection 2, the board of trustees of the school district shall select those teachers who constitute the top-performing 5 percent of all the teachers employed by the board of trustees. The selection of each teacher must be made in consultation with the licensed employees of the board of trustees, giving consideration to:

(a) The evaluations received by the teacher during his or her employment;

(b) The academic achievement of pupils taught by the teacher during his or her employment;

(c) Professional awards received or certifications held by the teacher, including, without limitation, certification by the National Board for Professional Teaching Standards; and

(d) Recommendations from other teachers, students and parents.

↪ Each teacher so selected must be designated by the board of trustees as a master teacher.

4. On or before March 15 of each year, the board of trustees of each school district shall notify each teacher selected pursuant to subsection 3 of his or her designation as a master teacher and the eligibility of the teacher to participate in the program of incentive pay established pursuant to this section. The board of trustees shall include with the notice written information in the form prescribed by the Department about the program of incentive pay. This information must include, without limitation, a



description of the contractual requirements applicable to participants in the program.

5. On or before April 15 of each year, any teacher who has been designated as a master teacher pursuant to subsection 3 or who has been so designated within the immediately preceding 2 years and who otherwise meets the requirements of subsection 2 may submit an application in writing to the Department to participate in the program of incentive pay. The application must include information provided by the school district in which the teacher is employed, attesting to the total annual amount of salary and monetary benefits currently being paid to the teacher.

6. On or before June 1 of each year, within the limits of money available in the Fund, the Department shall select from among the applicants those teachers who will participate in the program of incentive pay during the next ensuing school year. Subject to the limitations of this subsection, the selection of teachers to participate and the amount of the stipend paid to each teacher during his or her participation in the program are within the sole discretion of the Department.

7. On or before June 10 of each year, the Department shall give written notice of the selection to each teacher described in subsection 6. The Department shall include with the notice:

(a) A statement of the amount of the stipend to be paid to the teacher during his or her participation in the program if he or she agrees to participate; and

(b) A form of contract meeting the requirements of subsection 2.

8. If a teacher notified pursuant to subsection 7 fails to sign and return the contract within 20 days after the date of the notice, the Department shall give a similar notice to another applicant until contracts have been signed by all the participants in the program for whom money is available in the Fund.

9. During his or her participation in the program and while he or she continues to perform his or her obligations under the contract to the satisfaction of the Department, each teacher who participates in the program is entitled to receive a stipend to be paid to the teacher biweekly by the Department. The amount of the stipend must be computed so that the combined annual amount of the stipend and the salary and monetary benefits paid to a teacher by the school district in which the teacher is employed is not less than \$150,000 and not more than \$200,000. The amount of salary and monetary benefits otherwise payable to a teacher must not be reduced because of his or her participation in the program.

10. Each school district shall cooperate with the Department in effectuating the purposes of the program.



11. *The provisions of chapter 288 of NRS do not apply to any aspect of the program established pursuant to this section, including, without limitation, the selection of teachers eligible to participate in the program, the assignment of teachers to schools pursuant to the program and the stipend paid to participants in the program.*

12. *The Department may adopt regulations to carry out the provisions of this section.*

Sec. 8. NRS 391.311 is hereby amended to read as follows:

391.311 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 453.337, 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.]~~ 5. “Probationary employee” means:

(a) An administrator or a teacher who is employed ~~[for]~~ during the **probationary** 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.]~~ 6. “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.



~~18.1~~ 7. “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.

Sec. 9. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. ~~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~~ **391.3127** and 391.3128 applies to ~~a probationary teacher.~~

~~— (b) :~~

(a) 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~~

(b) 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.~~

~~4.1~~ 2. 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.

~~15.1~~ 3. 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.}~~

Sec. 10. NRS 391.3197 is hereby amended to read as follows:
391.3197 *Notwithstanding any provision of a collective bargaining agreement or a contract of employment to the contrary:*

1. ~~{A probationary employee}~~ *An administrator or teacher* is employed on a contract basis ~~{for three 1-year periods}~~ *from year to year* and has no right to employment after any ~~{of the three probationary contract years.}~~ *school year. Except as otherwise provided in NRS 391.3129 and 391.31965, an administrator or teacher is a probationary employee until he or she completes a 3-year probationary period and attains postprobationary status in accordance with this section. Except as otherwise provided in NRS 391.3125, 391.3127 and 391.3128, as applicable, a postprobationary employee has no status or rights of employment different from the status or rights of employment of a probationary employee.*

2. The board shall notify each probationary *and postprobationary* employee in writing on or before May 1 of ~~{the first, second and third school years of the employee's probationary period, as appropriate,}~~ *each school year* 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.}~~ *next ensuing school year.* Failure of the board to notify ~~{the}~~ *a* 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 *or postprobationary* 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.}~~ *next ensuing school year.* 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 *or postprobationary* employee is notified that the employee will not be reemployed for the school year following the ~~{3-year probationary period,}~~ *end of the current school year*, 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 1 year in the position of principal. If an administrator is promoted to
2 the position of principal before completion of his or her
3 probationary period pursuant to subsection 5, the administrator must
4 serve the remainder of his or her probationary period pursuant to
5 subsection 5 or an additional probationary period of 1 year in the
6 position of principal, whichever is longer. If the administrator
7 serving the additional probationary period is not reemployed as a
8 principal after the expiration of the probationary period or additional
9 probationary period, as applicable, the board of trustees of the
10 school district in which the person is employed shall, on or before
11 May 1, offer the person a contract for the ensuing school year for
12 the administrative position in which the person attained
13 postprobationary status. The person may accept the contract in
14 writing on or before May 10. If the person fails to accept such a
15 contract, the person shall be deemed to have rejected the offer of
16 employment.

17 7. *A probationary or postprobationary employee may be*
18 *suspended without pay or dismissed before the completion of the*
19 *current school year for just cause or any cause specified by*
20 *statute.* If ~~{a probationary}~~ an employee receives notice that he or
21 she will be *suspended without pay or* dismissed, ~~{before the~~
22 ~~completion of the current school year,}~~ the ~~{probationary}~~ employee
23 may request an expedited hearing pursuant to the Expedited Labor
24 Arbitration Procedures established by the American Arbitration
25 Association or its successor organization.

26 **Sec. 11.** NRS 391.350 is hereby amended to read as follows:

27 391.350 1. Any teacher or other licensed employee employed
28 by any board for a specified time who willfully refuses or fails to
29 fulfill his or her employment obligations after the employee has
30 notified the board of his or her acceptance of employment under
31 ~~{subsection 3 of NRS 391.3196 or}~~ subsection 2 of NRS 391.3197
32 or to comply with the provisions of his or her contract after it has
33 been signed without first obtaining the written consent of the board
34 may be found guilty of unprofessional conduct. The board shall not
35 unreasonably withhold its consent. Any administrator who willfully
36 secures the signature on a statement of intent to accept employment
37 of any teacher or other licensed employee who has notified the
38 board of another school district in this State of his or her acceptance
39 of employment is guilty of unprofessional conduct, unless the
40 employee has first obtained the written consent of the board to
41 which he or she has given notice of acceptance. If the failure or
42 refusal to comply with the provisions of the contract is the result of
43 having subsequently executed an employment contract with another
44 board in this State without the written consent of the board first
45 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.

Sec. 12. NRS 218E.615 is hereby amended to read as follows:

218E.615 The Committee may:

1. Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(a) Programs to enhance accountability in education;

(b) Legislative measures regarding education;

(c) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the statewide system of accountability for public schools;

(d) Methods of financing public education;

(e) The condition of public education in the elementary and secondary schools;

(f) ~~The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~

~~—(g)~~ The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

~~—(h)~~ (g) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which public education may be improved.

Sec. 13. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:



(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.3891, inclusive, in improving the accountability of the schools of this State;

~~(2) [The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~

~~—(3)]~~ The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

~~[(4)]~~ (3) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and

~~[(5)]~~ (4) Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➤ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before October 1 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the next regular session. The Bureau shall, on or before October 1 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director for transmission to the Legislative Commission and to the Legislative Committee on Education.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection and NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission,



as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 14. NRS 286.025 is hereby amended to read as follows:

286.025 1. Except as otherwise provided by specific statute, “compensation” is the salary paid to a member by the member’s principal public employer.

2. The term includes:

(a) Base pay, which is the monthly rate of pay excluding all fringe benefits.

(b) Additional payment:

(1) As applicable to a member who has an effective date of membership before January 1, 2010, for longevity, shift differential, hazardous duty, work performed on a holiday if it does not exceed the working hours of the normal workweek or pay period for that employee, holding oneself ready for duty while off duty and returning to duty after one’s regular working hours.

(2) As applicable to a member who has an effective date of membership on or after January 1, 2010, for longevity, shift differential, hazardous duty, work performed on a holiday if it does not exceed the working hours of the normal workweek or pay period for that employee, and, holding oneself ready for duty while off duty and returning to duty within 12 hours after one’s regular working hours to respond to an emergency. As used in this subparagraph, “emergency” means a sudden, unexpected occurrence that is declared by the governing body or chief administrative officer of the public employer to involve clear and imminent danger and require immediate action to prevent and mitigate the endangerment of lives, health or property.

(c) Payment for extra duty assignments if it is the standard practice of the public employer to include such pay in the employment contract or official job description for the calendar or academic year in which it is paid and such pay is specifically included in the member’s employment contract or official job description.

(d) The aggregate compensation paid by two separate public employers if one member is employed half-time or more by one, and half-time or less by the other, if the total does not exceed full-time employment, if the duties of both positions are similar and if the employment is pursuant to a continuing relationship between the employers.



(e) The stipend paid by the Department of Education to a participant in the program of incentive pay established by the Department pursuant to section 7 of this act.

3. The term does not include any type of payment not specifically described in subsection 2.

Sec. 15. 1. There is hereby appropriated from the State General Fund to the Fund for Master Teachers created by section 7 of this act the following sums to support the program of incentive pay established by the Department of Education pursuant to section 7 of this act:

For the Fiscal Year 2015-2016.....\$41,156,278

For the Fiscal Year 2016-2017.....\$81,847,172

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2016, and September 15, 2017, respectively by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 16, 2016, and September 15, 2017, respectively.

Sec. 16. 1. The Department of Education shall establish the program of incentive pay required by section 7 of this act as soon as practicable after July 1, 2015, and in any event on or before September 1, 2015.

2. It is the intention of the Legislature that the program of incentive pay required by section 7 of this act must be implemented as soon as practicable during the 2015-2016 school year so that the benefits of the program may be realized by teachers and pupils during that school year. Accordingly, notwithstanding any provision of section 7 of this act to the contrary:

(a) The board of trustees of each school district shall make the initial selection of teachers required by subsection 3 of section 7 of this act on or before October 1, 2015, and give the notice required by subsection 4 of that section on or before October 5, 2015.

(b) Any teacher who has been designated as a master teacher and desires to participate in the program must submit to the Department the application required by subsection 5 of section 7 of this act on or before November 1, 2015.

(c) The Department shall make the selection and give the notice required by subsections 6 and 7 of section 7 of this act, respectively, on or before December 1, 2015.



(d) Any teacher who is offered a contract pursuant to subsection 7 of section 7 of this act must sign and return the contract on or before December 15, 2015.

(e) The Department and each school district in this State shall ensure that as many contracted teachers as practicable are working in their new assignments when classes resume after January 1, 2016.

Sec. 17. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any contract of employment or any collective bargaining agreement entered into before July 1, 2015, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after July 1, 2015. For the purposes of this section, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

Sec. 18. NRS 388.700, 388.710, 388.720, 388.725, 391.3116, 391.31297, 391.313, 391.314, 391.315, 391.3161, 391.317, 391.318, 391.3192, 391.31925, 391.3193, 391.3194 and 391.3196 are hereby repealed.

Sec. 19. This act becomes effective on July 1, 2015.

LEADLINES OF REPEALED SECTIONS

388.700 Reduction of ratio in certain grades; request for variance required for each school quarter under certain circumstances; quarterly report on variances submitted to Interim Finance Committee; additional reports by State Board and Department; exception to requirements for charter schools and distance education.

388.710 State Board of Education to determine data to be monitored by school district; school district to report data to State Board.

388.720 Development of plan by school district to reduce pupil-teacher ratios; alternative ratios for certain grades authorized in certain counties.

388.725 Quarterly reports of average daily attendance and pupil-teacher ratios in elementary schools required of school districts; posting of report on Internet website.

391.3116 Contract negotiated by collective bargaining may supersede provisions of NRS 391.311 to 391.3197, inclusive; exception for certain employees deemed probationary.



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

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

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.

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

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

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.

391.318 Request for hearing: Action by superintendent.

391.3192 Procedures for hearing; payment for expenses of hearing officer and transcript.

391.31925 Person with communications disability entitled to use of registered legal interpreter at hearing.

391.3193 Written report of hearing: Contents; final and binding if so agreed; time limited for filing.

391.3194 Action by superintendent upon receipt of report; action by board; notice to licensed employee; judicial review.

391.3196 Reemployment of postprobationary employees: Notice of reemployment or delivery of contract; acceptance of employment.

