

Amendment No. 1035

Senate Amendment to Senate Bill No. 92 (BDR 34-485)

Proposed by: Senate Committee on Education

Amendment Box: Replaces Amendment No. 1013.

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 92 (§ 4.2).

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

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

KRO/RBL



Date: 5/30/2015

S.B. No. 92—Revises provisions relating to personnel of public schools.
(BDR 34-485)



SENATE BILL NO. 92—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LIEUTENANT GOVERNOR)

PREFILED DECEMBER 20, 2014

Referred to Committee on Education

SUMMARY—Revises provisions relating to ~~personnel of public schools.~~
education. (BDR 34-485)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
 Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE ~~((§§ 9, 20))~~ (§ 4.2)
 (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to education; ~~requiring any teacher or substitute teacher hired to teach in any public school to be highly qualified; revising the qualifications for an administrator in a charter school; requiring certain schools to employ an assistant principal; requiring the board of trustees of a school district to adopt certain policies; providing that certain postprobationary employees revert to probationary status under certain circumstances; requiring that the statewide performance evaluation system take certain factors into account for the evaluation of district-level administrators;~~ authorizing the designation of certain underperforming schools as turnaround schools; allowing certain measures to be taken with respect to the administration and personnel of such schools; excluding the right of a school district to make reassignments of a principal or teacher from such a school from the scope of collective bargaining; providing for certain incentives to encourage employment at a school designated as a turnaround school; revising provisions relating to the reassignment of a teacher or administrator whose overall performance is designated as minimally effective or ineffective; requiring the board of trustees of a school district to consider specified factors in carrying out a reduction in force; ***directing the Legislative Counsel to reorganize certain statutory provisions relating to education;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 ~~Federal law requires school districts that receive certain federal funds to ensure that all~~
- 2 ~~teachers hired after a certain date are highly qualified. (20 U.S.C. § 6319(a)) In order to be~~

~~“highly qualified” under federal law, a teacher is required to: (1) have full state certification or have passed the state teacher licensing examination; (2) hold a license in the state in which he or she is teaching; and (3) meet certain other requirements. (20 U.S.C. § 7801(23)) Existing law requires a teacher who teaches certain subjects in certain public schools to be highly qualified. (NRS 386.590, 391.100) Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, sections 9 and 20 of this bill require any teacher or substitute teacher hired to teach in any public school, including a charter school, to be highly qualified. Sections 2, 3, 10, 14, 19, 22 and 23 of this bill make changes consistent with this requirement. Sections 5 and 13 of this bill prohibit a school district or the governing body of a charter school from attempting to avoid compliance with this requirement.~~

~~Existing law also authorizes the governing body of a charter school to employ such administrators as it deems necessary and requires that a person employed as an administrator possess one of the following: (1) a valid teacher's license with an administrative endorsement; (2) a master's degree in school, public or business administration; or (3) a baccalaureate degree and at least 5 years of experience in school, business or public administration. (NRS 386.590) Section 9 revises those requirements to provide that a person employed as an administrator must possess all of those qualifications. Section 20 requires any vacancy in an assistant principal position in a school other than a charter school to be filled before any vacancy in an administrative position at a district level.~~

Section 4.2 of this bill provides that if the Department of Education designates a public school as a turnaround school, the board of trustees of the school district in which the school is located may review the performance of the principal of the school and decide whether to retain or replace the principal. Section 4.2 requires the State Board of Education to adopt regulations to establish the criteria for designating an underperforming school as a turnaround school.

The principal of a school so designated is authorized by section 4.2 to review the performance of the employees of the school and decide whether to retain or replace each employee. If a principal or employee of such a school is not retained, the board of trustees is required to reassign the principal or employee to another school within the school district. Section 29.7 of this bill excludes certain actions concerning the reassignment of employees who are not retained at such a school from the scope of collective bargaining. Section 4.2 requires the board of trustees of a school district to ensure that a teacher who is reassigned to another school receives assistance to help the teacher to meet the standards for effective teaching.

Section 4.2 also requires the board of trustees of a school district to create financial and other incentives to motivate teachers, administrators and paraprofessionals to accept positions at a public school that the Department designates as a turnaround school. Sections 24 and 25 of this bill provide that for the first and second years after a school has been designated as a turnaround school an evaluation of pupil performance will not be included in the evaluation of a teacher or administrator of the school.

~~Existing law establishes a system of objective evaluation of teachers, administrators and other licensed personnel in a school district. (NRS 391.2125, 391.2127) Existing law provides that when a teacher or administrator is hired, he or she is employed as a probationary employee for 2 years and has no right to employment after any of those 2 years. Existing law further provides that a probationary employee who completes a 2-year probationary period and meets certain other requirements becomes a postprobationary employee in the ensuing year of employment. (NRS 391.2107) Existing law requires a postprobationary teacher or administrator who receives an evaluation designating his or her performance as minimally effective or ineffective to be evaluated three times in the immediately succeeding school year. (NRS 391.2125, 391.2127) Existing law also provides that a postprobationary employee who receives an evaluation designating his or her performance as minimally effective or ineffective for 2 consecutive school years becomes a probationary employee. (NRS 391.2129) Section 26 of this bill instead provides that, upon the issuance of a first evaluation designating a postprobationary employee as minimally effective or ineffective, the employee reverts to probationary status.~~

~~Existing law requires the Teachers and Leaders Council of Nevada to make recommendations to the State Board of Education concerning the adoption of regulations for establishing a statewide performance evaluation system. (NRS 391.460) Existing law requires~~

~~the State Board to adopt regulations establishing such a system based upon the recommendations of the Council. (NRS 291.465) Section 28 of this bill requires the performance evaluation system recommended by the Council to ensure that each district level administrator is evaluated using a system that takes into account the level of resources provided to the schools under the administrative supervision of the administrator. Section 29 of this bill requires that the State Board include this recommendation in the statewide performance evaluation system.]~~

Existing law authorizes the board of trustees of a school district to employ a superintendent of schools, teachers and all other necessary employees. Section 20 of this bill allows the board of trustees of a school district to transfer a teacher or administrator, notwithstanding the provisions of a collective bargaining agreement to the contrary, if the teacher or administrator received one of the two lowest ratings on his or her evaluation if the board of trustees obtains the consent of the principal at the other school before transferring the teacher or administrator. If a principal does not provide such consent, section 20 allows the superintendent of schools of the school district to determine whether to reassign the teacher or administrator to a school in the school district, which may be the school at which the principal did not consent to the transfer of the teacher or administrator. Section 20 also requires a superintendent of schools to develop a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as minimally effective or ineffective when consent to the transfer by the principal of a school is not obtained.

Existing law provides that when a reduction in the workforce is necessary, the board of trustees of a school district must not lay off a teacher or an administrator based solely on seniority. (NRS 288.151) Section 30 of this bill requires the board of trustees of a school district to ~~consider certain factors when reducing the workforce.~~ base the decision to lay off a teacher or administrator on the overall performance of the teacher or administrator and lay off the least effective teachers and administrators first. Section 30 also provides that, if a further reduction in workforce is necessary, the board of trustees must lay off teachers who have a criminal record which has resulted in a suspension or who have had disciplinary action taken that results in suspension and is final. If a further reduction in workforce is necessary after considering criminal records and disciplinary action, section 30 requires the board of trustees to consider: (1) whether the teacher or administrator is employed in a position which is hard to fill; and (2) certain certifications and degrees. If, after considering all of the above factors, two or more employees are similarly situated after the application of those factors, the decision by the board of trustees to lay off one or more of the employees may be based on seniority. Finally, section 30 does not require the board of trustees of a school district to consider the above factors with respect to a teacher who teaches in a subject area for which there is a shortage of teachers.

Under existing law, the Legislative Counsel is required to keep the organizational structure of the Nevada Revised Statutes current, and the Legislative Counsel may revise the titles, chapters and sections of the Nevada Revised Statutes when necessary to effectuate the orderly and logical arrangement of the statutes. (NRS 220.120) In addition, the Legislative Counsel may make recommendations to the Legislature regarding the clarification of existing statutes and the revision or elimination of obsolete and antiquated statutes. (NRS 220.080, 220.085) Section 32.5 of this bill directs the Legislative Counsel to reorganize the provisions of title 34 of NRS during the 2015-2017 biennium so that they are easier to use and understand. Section 32.5 also requires the Legislative Counsel to present a bill during the 2017 Legislative Session containing any provisions of title 34 of NRS revised during the reorganization that the Legislative Counsel determines are appropriate for ratification by the Legislature.

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

Section 1. ~~NRS 385.007 is hereby amended to read as follows:~~
~~385.007 As used in this title, unless the context otherwise requires:~~

1 ~~1. "Charter school" means a public school that is formed pursuant to the~~
2 ~~provisions of NRS 386.490 to 386.649, inclusive [], and section 5 of this act.~~

3 ~~2. "Department" means the Department of Education.~~

4 ~~3. "Homeschooled child" means a child who receives instruction at home and~~
5 ~~who is exempt from compulsory attendance pursuant to NRS 202.070.~~

6 ~~4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. §~~
7 ~~7801(25).~~

8 ~~5. "Public schools" means all kindergartens and elementary schools, junior~~
9 ~~high schools and middle schools, high schools, charter schools and any other~~
10 ~~schools, classes and educational programs which receive their support through~~
11 ~~public taxation and, except for charter schools, whose textbooks and courses of~~
12 ~~study are under the control of the State Board.~~

13 ~~6. "State Board" means the State Board of Education.~~

14 ~~7. "University school for profoundly gifted pupils" has the meaning ascribed~~
15 ~~to it in NRS 202A.040.] (Deleted by amendment.)~~

16 **Sec. 2. [NRS 385.3478 is hereby amended to read as follows:**

17 ~~385.3478 1. The annual report of accountability prepared pursuant to NRS~~
18 ~~385.347 must include information on teachers and paraprofessionals, including,~~
19 ~~without limitation:~~

20 ~~(a) Information on the professional qualifications of teachers employed by each~~
21 ~~school in the district and the district as a whole, including, without limitation, each~~
22 ~~charter school sponsored by the district. The information must include, without~~
23 ~~limitation:~~

24 ~~(1) The percentage of teachers who are:~~

25 ~~(I) Providing instruction pursuant to NRS 391.125; or~~

26 ~~(II) [Providing instruction pursuant to a waiver of the requirements for~~
27 ~~licensure for the grade level or subject area in which the teachers are employed; or~~

28 ~~(III)] Otherwise providing instruction without an endorsement for the~~
29 ~~subject area in which the teachers are employed;~~

30 ~~(2) The percentage of classes in the core academic subjects, as set forth in~~
31 ~~NRS 389.018, that are not taught by highly qualified teachers;~~

32 ~~(3) The percentage of classes in the core academic subjects, as set forth in~~
33 ~~NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and~~
34 ~~disaggregated by high poverty compared to low poverty schools, which for the~~
35 ~~purposes of this subparagraph means schools in the top quartile of poverty and the~~
36 ~~bottom quartile of poverty in this State;~~

37 ~~(4) For each middle school, junior high school and high school:~~

38 ~~(I) The number of persons employed as substitute teachers for 20~~
39 ~~consecutive days or more in the same classroom or assignment, designated as long-~~
40 ~~term substitute teachers, including the total number of days long term substitute~~
41 ~~teachers were employed at each school, identified by grade level and subject area;~~
42 ~~and~~

43 ~~(II) The number of persons employed as substitute teachers for less~~
44 ~~than 20 consecutive days, designated as short term substitute teachers, including the~~
45 ~~total number of days short term substitute teachers were employed at each school,~~
46 ~~identified by grade level and subject area; and~~

47 ~~(5) For each elementary school:~~

48 ~~(I) The number of persons employed as substitute teachers for 20~~
49 ~~consecutive days or more in the same classroom or assignment, designated as long-~~
50 ~~term substitute teachers, including the total number of days long term substitute~~
51 ~~teachers were employed at each school, identified by grade level; and~~

52 ~~(II) The number of persons employed as substitute teachers for less~~
53 ~~than 20 consecutive days, designated as short term substitute teachers, including the~~

total number of days short term substitute teachers were employed at each school, identified by grade level.

~~(b) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The records of attendance maintained by a school for purposes of this paragraph must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:~~

~~(1) Acquisition of knowledge or skills relating to the professional development of the teacher; or~~

~~(2) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.~~

~~(c) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school sponsored by the district. The information must include:~~

~~(1) The number of paraprofessionals employed at the school; and~~

~~(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.~~

~~2. As used in this section:~~

~~(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).~~

~~(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.~~

(Deleted by amendment.)

Sec. 3. ~~NRS 385.3581 is hereby amended to read as follows:~~

~~385.3581 1. The annual report of accountability prepared by the State Board pursuant to NRS 385.3572 must include information on teachers and paraprofessionals, including, without limitation:~~

~~(a) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:~~

~~(1) The percentage of teachers who are:~~

~~(I) Providing instruction pursuant to NRS 391.125; or~~

~~(II) [Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or~~

~~(III)] Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;~~

~~(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;~~

~~(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high poverty compared to low poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;~~

~~(4) For each middle school, junior high school and high school:~~

~~(I) The number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long term substitute teachers were employed at each school, identified by grade level and subject area;~~

1 ~~and~~

2 ~~(H) The number of persons employed as substitute teachers for less~~
3 ~~than 20 consecutive days, designated as short term substitute teachers, including the~~
4 ~~total number of days short term substitute teachers were employed at each school,~~
5 ~~identified by grade level and subject area; and~~

6 ~~(5) For each elementary school:~~

7 ~~(I) The number of persons employed as substitute teachers for 20~~
8 ~~consecutive days or more in the same classroom or assignment, designated as long-~~
9 ~~term substitute teachers, including the total number of days long term substitute~~
10 ~~teachers were employed at each school, identified by grade level; and~~

11 ~~(H) The number of persons employed as substitute teachers for less~~
12 ~~than 20 consecutive days, designated as short term substitute teachers, including the~~
13 ~~total number of days short term substitute teachers were employed at each school,~~
14 ~~identified by grade level.~~

15 ~~(b) The attendance of teachers who provide instruction, reported for each~~
16 ~~school district, including, without limitation, each charter school in the district, and~~
17 ~~for this State as a whole.~~

18 ~~(c) Information on the paraprofessionals employed at public schools in this~~
19 ~~State, including, without limitation, the charter schools in this State. The~~
20 ~~information must include:~~

21 ~~(1) The number of paraprofessionals employed, reported for each school~~
22 ~~district, including, without limitation, each charter school in the district, and for this~~
23 ~~State as a whole; and~~

24 ~~(2) For each school district, including, without limitation, each charter~~
25 ~~school in the district, and for this State as a whole, the number and percentage of all~~
26 ~~paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. §~~
27 ~~6319(e). The reporting requirements of this subparagraph apply to~~
28 ~~paraprofessionals who are employed in programs supported with Title I money and~~
29 ~~to paraprofessionals who are not employed in programs supported with Title I~~
30 ~~money.~~

31 ~~2. As used in this section:~~

32 ~~(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).~~

33 ~~(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.]~~

34 ~~(Deleted by amendment.)~~

35 **Sec. 4.** ~~[NRS 385.635 is hereby amended to read as follows:~~

36 ~~385.635 1. The Office of Parental Involvement and Family Engagement~~
37 ~~created by NRS 385.630 shall:~~

38 ~~(a) Review and evaluate the programs implemented by the school districts and~~
39 ~~public schools, including, without limitation, programs which are supported in part~~
40 ~~with money received from the Federal Government, for carrying out and increasing~~
41 ~~parental involvement and family engagement in the public schools. The review and~~
42 ~~evaluation must include an identification of current strategies and practices for~~
43 ~~effective parental involvement and family engagement.~~

44 ~~(b) Develop a list of practices which have been proven effective in increasing~~
45 ~~the involvement of parents and the engagement of families in the education of their~~
46 ~~children, including, without limitation, practices that increase the ability of school~~
47 ~~districts and public schools to effectively reengage parents and families and provide~~
48 ~~those parents and families with the skills and resources necessary to support the~~
49 ~~academic achievement of their children.~~

50 ~~(c) Work in cooperation with the Statewide Council for the Coordination of the~~
51 ~~Regional Training Programs in carrying out the duties of the Office, including,~~
52 ~~without limitation, the establishment of a statewide training program concerning~~
53 ~~parental involvement and family engagement required pursuant to NRS 391.520.~~

~~(d) Provide information to the school districts and public schools on the availability of competitive grants for programs which offer:~~

~~(1) Professional development for educational personnel on practices to reengage disengaged parents and families in the education of their children;~~

~~(2) Training for parents and families in skills of leadership and volunteerism;~~

~~(3) Family literacy training;~~

~~(4) Home visitation programs to encourage the involvement of parents and the engagement of families in the education of their children; and~~

~~(5) Other innovative programs that are designed to increase the involvement of parents and the engagement of families in the academic achievement of their children.~~

~~(e) Provide support to those school districts which have established an advisory council on parental involvement and family engagement pursuant to NRS 385.625 and encourage those school districts which have not established such an advisory council to consider creating an advisory council for the school district.~~

~~(f) Build the capacity of public schools to work in collaboration with parents to establish policies for the involvement of parents and the engagement of families, including, without limitation, policies that focus on partnerships between public schools and the parents and families of children enrolled in public schools and the empowerment of parents and families in support of the education of their children.~~

~~(g) Work in cooperation with the Commission on Professional Standards in Education in developing the regulations required by paragraph [(k)] (g) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.~~

~~(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.~~

~~(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.~~

~~(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental involvement and family engagement into the plans to improve the achievement of pupils prepared by the public schools pursuant to NRS 385.357.~~

~~(k) Work in partnership with the Advisory Council to:~~

~~(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385.347 relating to parental involvement and family engagement in the school districts and public schools;~~

~~(2) Review and evaluate the plans to improve the achievement of pupils prepared by each public school pursuant to NRS 385.357 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and~~

~~(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.~~

~~2. On or before August 1 of each year, the Office of Parental Involvement and~~

1 ~~Family Engagement shall prepare a report which includes a summary of the:~~

2 ~~(a) Status of the progress made by the school districts and public schools in~~
3 ~~effectively involving parents and engaging families in the education of their~~
4 ~~children and an identification of any areas where further improvement is needed;~~
5 ~~and~~

6 ~~(b) Activities of the Office during the immediately preceding school year,~~
7 ~~including the progress made by the Office, in consultation with the Advisory~~
8 ~~Council, in assisting the school districts and public schools with increasing the~~
9 ~~effectiveness of involving parents and engaging families in the education of their~~
10 ~~children.~~

11 ~~2. The Department shall post on its Internet website:~~

12 ~~(a) The list of practices developed by the Office of Parental Involvement and~~
13 ~~Family Engagement pursuant to paragraph (b) of subsection 1;~~

14 ~~(b) The report prepared by the Office pursuant to subsection 2; and~~

15 ~~(c) Any other information that the Office finds useful for the school districts,~~
16 ~~public schools, parents, families and general public relating to effective parental~~
17 ~~involvement and family engagement.] (Deleted by amendment.)~~

18 Sec. 4.2. Chapter 385 of NRS is hereby amended by adding thereto a
19 new section to read as follows:

20 1. If the Department designates a school as a turnaround school pursuant
21 to this section:

22 (a) The board of trustees of the school district in which the school is located
23 may review the performance of the principal at the school to determine whether
24 to retain or replace the principal. If the board of trustees decides to replace the
25 principal, the board of trustees must:

26 (1) Immediately commence the process of selecting a new principal for
27 the school to make a selection with the approval of the Department so that the
28 new principal may begin before the start of the next school year; and

29 (2) Reassign the replaced principal to another public school within the
30 school district.

31 (b) The principal of the school may:

32 (1) Review the performance of each employee of the school to determine
33 whether to retain the employee based on the needs of the school. The board of
34 trustees of the school district in which the school is located shall reassign any
35 employee who is not retained pursuant to this subparagraph to another public
36 school within the school district; and

37 (2) Make all determinations for the school concerning hiring and the
38 school's curriculum, schedule and instructional design.

39 (c) The board of trustees of the school district in which the school is located
40 shall create financial and other incentives to be offered to teachers,
41 administrators and paraprofessionals who work in classrooms or provide tutoring
42 to pupils at the school that are intended to motivate such persons to apply for
43 positions with the school and continue employment with the school. Such
44 incentives may include, without limitation:

45 (1) Salary increases and bonuses;

46 (2) Flexible schedules that allow teachers to pursue other assignments or
47 education;

48 (3) Opportunities to receive training and to participate in programs for
49 professional development; and

50 (4) Opportunities for promotion and career development.

51 2. If a teacher of a school is reassigned to another public school within the
52 school district pursuant to subparagraph (1) of paragraph (b) of subsection 1, the
53 board of trustees of the school district shall ensure that the teacher receives

assistance to help the teacher meet the standards for effective teaching, which may include, without limitation, peer assistance and review, participation in programs of professional development and other appropriate training.

3. If a determination made by the principal of a school pursuant to paragraph (b) of subsection 1 will:

(a) Increase the cost of operating the school, the principal must seek to obtain any available grant from the Department and request any necessary additional amount of money from the board of trustees of the school district.

(b) Decrease the cost of operating the school, the board of trustees of the school district must not reduce the amount of money allocated to the school as a result of the savings.

4. The State Board shall, in consultation with the board of trustees of each school district, establish, by regulation, the criteria for designating an underperforming school as a turnaround school for the purposes of this section. Such criteria must use current data from multiple sources.

Sec. 4.7. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.347 and 385.3572; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including,

without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

↪ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. Except as otherwise provided in ~~subsection~~ **subsections 9 and 10** of NRS 391.3125 and ~~subsection~~ **subsections 8 and 9** of NRS 391.3127, information on pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.

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

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers

1 and other educational personnel, and parents and guardians, will have different
2 types of access to the accountability information contained within the automated
3 system to the extent that such information is necessary for the performance of a
4 duty or to the extent that such information may be made available to the general
5 public without posing a threat to the confidentiality of an individual pupil.

6 5. The Department may, to the extent authorized by the Family Educational
7 Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted
8 pursuant thereto, enter into an agreement with the Nevada System of Higher
9 Education to provide access to data contained within the automated system for
10 research purposes.

11 **Sec. 5.** ~~[Chapter 386 of NRS is hereby amended by adding thereto a new~~
12 ~~section to read as follows:~~

13 ~~*The governing body of a charter school shall not attempt to avoid compliance*~~
14 ~~*with the requirements of subsection 1 of NRS 386.590 in any manner, including,*~~
15 ~~*without limitation by:*~~

16 ~~1. Combining classes; or~~

17 ~~2. Requiring teachers who meet the qualifications required by subsection 1~~
18 ~~*of NRS 386.590 to act as substitute teachers during a period that would otherwise*~~
19 ~~*be a preparatory period.] (Deleted by amendment.)*~~

20 **Sec. 6.** ~~[NRS 386.490 is hereby amended to read as follows:~~

21 ~~386.490 As used in NRS 386.490 to 386.649, inclusive, and section 5 of this~~
22 ~~*act, the words and terms defined in NRS 386.492 to 386.503, inclusive, have the*~~
23 ~~*meanings ascribed to them in those sections.] (Deleted by amendment.)*~~

24 **Sec. 7.** ~~[NRS 386.535 is hereby amended to read as follows:~~

25 ~~386.535 Except as otherwise provided in NRS 386.5351:~~

26 ~~1. The sponsor of a charter school may revoke a written charter or terminate a~~
27 ~~*charter contract before the expiration of the charter if the sponsor determines that:*~~

28 ~~(a) The charter school, its officers or its employees:~~

29 ~~(1) Committed a material breach of the terms and conditions of the written~~
30 ~~*charter or charter contract;*~~

31 ~~(2) Failed to comply with generally accepted standards of fiscal~~
32 ~~*management;*~~

33 ~~(3) Failed to comply with the provisions of NRS 386.490 to 386.649,~~
34 ~~*inclusive, and section 5 of this act or any other statute or regulation applicable to*~~
35 ~~*charter schools; or*~~

36 ~~(4) If the charter school holds a charter contract, has persistently~~
37 ~~*underperformed, as measured by the performance indicators, measures and metrics*~~
38 ~~*set forth in the performance framework for the charter school;*~~

39 ~~(b) The charter school has filed for a voluntary petition of bankruptcy, is~~
40 ~~*adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the*~~
41 ~~*charter school cannot continue to operate; or*~~

42 ~~(c) There is reasonable cause to believe that revocation or termination is~~
43 ~~*necessary to protect the health and safety of the pupils who are enrolled in the*~~
44 ~~*charter school or persons who are employed by the charter school from jeopardy, or*~~
45 ~~*to prevent damage to or loss of the property of the school district or the community*~~
46 ~~*in which the charter school is located.*~~

47 ~~2. Before the sponsor revokes a written charter or terminates a charter~~
48 ~~*contract, the sponsor shall provide written notice of its intention to the governing*~~
49 ~~*body of the charter school. The written notice must:*~~

50 ~~(a) Include a statement of the deficiencies or reasons upon which the action of~~
51 ~~*the sponsor is based;*~~

52 ~~(b) Except as otherwise provided in subsection 4, prescribe a period, not less~~
53 ~~*than 30 days, during which the charter school may correct the deficiencies;*~~

including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

~~(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 2; and~~

~~(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to revoke the written charter or terminate the charter contract.~~

~~2. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to revoke the written charter or terminate the charter contract. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not revoke the written charter or terminate the charter contract of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.~~

~~4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.~~

~~5. If the written charter is revoked or the charter contract is terminated, the sponsor of the charter school shall submit a written report to the Department and the governing body of the charter school setting forth the reasons for the termination not later than 10 days after revoking the written charter or terminating the charter contract.~~ **(Deleted by amendment.)**

Sec. 8. [NRS 386.551 is hereby amended to read as follows:

~~386.551 The provisions of NRS 386.490 to 386.649, inclusive, and section 5 of this act and any other statute or regulation applicable to a charter school or its officers or employees govern the formation and operation of charter schools in this State.] (Deleted by amendment.)~~

Sec. 9. [NRS 386.590 is hereby amended to read as follows:

~~386.590 1. [Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.~~

~~2.] A governing body of a charter school shall employ:~~

~~(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. [If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).]~~

~~(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades. [for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).]~~

~~(c) In addition to the requirements of paragraphs (a) and (b):~~

~~(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.~~

~~(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry. [if those teachers are employed full time.]~~

~~(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study. [if those teachers are employed full-time.~~

~~2. A person who is initially hired by the governing body of a charter school 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 the person 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 his or her current employer.~~

~~4. A]~~

~~2. Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, a teacher or substitute teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, [2006.] 2015, possess the qualifications required by 20 U.S.C. § 6319(a). [if the teacher teaches one or more of the following subjects:~~

~~(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.~~

~~5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 291 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:~~

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

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

~~6.] 3. Except as otherwise provided in subsection 4 and NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:~~

~~(a) A valid teacher's license issued pursuant to chapter 291 of NRS with an administrative endorsement;~~

~~(b) A master's degree in school administration, public administration or business administration; [or] and~~

~~(c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.~~

~~[7.] 4. A charter school shall employ an assistant principal. Any person employed as an assistant principal must meet the requirements for licensure for an administrator prescribed by the Commission on Professional Standards in Education pursuant to NRS 391.019 at the time he or she begins his or her employment as an assistant principal.~~

~~5. Except as otherwise provided in subsection [8.] 6, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the~~

~~superintendent of schools of that school district must not be included in the determination.~~

~~[8.] 6. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection [7.] 5, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection [7.] 5.~~

~~[9.] 7. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.~~

~~[10.] 8. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each person who is licensed pursuant to chapter 391 of NRS and who is employed by the governing body on October 1 of that year:~~

~~(a) The amount of salary or compensation of the licensed person, including, without limitation, verification of compliance with subsection [7.] 5, if applicable to that person; and~~

~~(b) The designated assignment, as that term is defined by the Department, of the licensed person.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 386.595 is hereby amended to read as follows:~~

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

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

~~3. Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the 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) Fails to comply with the requirements of subsection 3 of NRS 391.100; or~~

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

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

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

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

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

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

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

~~(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the~~

Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

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

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

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

10. An employee of a charter school who is not on a leave of 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. **(Deleted by amendment.)**

Sec. 11. [NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils;

(1) In the manner required by 20 U.S.C. §§ 6201 et seq., and the regulations adopted pursuant thereto, and NRS 385.347 and 385.3572; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil;

(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a

~~member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;~~

~~(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;~~

~~(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;~~

~~(e) Have the capacity to identify which teachers are assigned to individual pupils;~~

~~(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;~~

~~(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and~~

~~(h) Be designed to improve the ability of the Department, the sponsors of charter schools, the school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.~~

~~→ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. Except as otherwise provided in subsection [9] 8 of NRS 391.3125 and subsection [8] 7 of NRS 391.3127, information on pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.~~

~~2. The board of trustees of each school district shall:~~

~~(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;~~

~~(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and~~

~~(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.~~

~~3. The Superintendent of Public Instruction shall:~~

~~(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;~~

~~(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;~~

~~(c) Prescribe the format for the data;~~

~~(d) Prescribe the date by which each school district shall report the data to the Department;~~

~~(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;~~

~~(f) Prescribe the date by which each university school for profoundly gifted~~

pupils shall report the data to the Department;

~~(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:~~

~~(1) Individual pupils;~~

~~(2) Individual teachers;~~

~~(3) Individual schools and school districts; and~~

~~(4) Programs and financial information;~~

~~(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and~~

~~(i) Provide for the analysis and reporting of the data in the automated system of information.~~

~~4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.~~

~~5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes. **(Deleted by amendment.)**~~

Sec. 12. NRS 388.866 is hereby amended to read as follows:

~~388.866 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that:~~

~~(a) For each course offered through the program, a teacher:~~

~~(1) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course;~~

~~(2) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress; and~~

~~(3) Enters into a written agreement with the pupil and the pupil's parent or legal guardian outlining the objectives of the course, the timeline for completion of the course and the method by which the progress of the pupil will be assessed; or~~

~~(b) The program satisfies the requirements of a plan to operate an alternative program of education submitted by the school district and approved pursuant to NRS 388.537.~~

~~2. [If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the] *Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, the teacher who fulfills the requirements of subsection 1 must [be a:*~~

~~(a) Licensed teacher; or~~

~~(b) Teacher, instructor or professor who provides instruction at a community college or university. Such a teacher, instructor or professor may only be assigned to a course of distance education in the subject area for which he or she provides instruction at a community college or university.] *possess, on or before July 1,*~~

~~2015, the qualifications required by 20 U.S.C. § 6319(a). (Deleted by amendment.)~~

Sec. 13. ~~[Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~A school district shall not attempt to avoid compliance with the requirements of subsection 3 of NRS 391.100 in any manner, including, without limitation by:~~

~~1. Combining classes; or~~

~~2. Requiring teachers who meet the qualifications required by subsection 3 of NRS 391.100 to act as substitute teachers during a period that would otherwise be a preparatory period.] (Deleted by amendment.)~~

Sec. 14. ~~[NRS 391.019 is hereby amended to read as follows:~~

~~391.019 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 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 391.0215 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 2 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.~~

~~→ 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.~~

~~→ 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. (Deleted by amendment.)~~

Sec. 15. ~~[NRS 391.021 is hereby amended to read as follows:~~

~~391.021 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.~~

~~→ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.022 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. (Deleted by amendment.)~~

Sec. 16. ~~[NRS 391.031 is hereby amended to read as follows:~~

~~391.031 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~~

1 both fields in grades 7, 8 and 9 at any middle school or junior high school. He or
2 she may teach only in these fields unless an exception is approved pursuant to
3 regulations adopted by the Commission.

4 ~~3. A license to teach secondary education, which authorizes the holder to~~
5 ~~teach in his or her major or minor field of preparation or in both fields in any~~
6 ~~secondary school. He or she may teach only in these fields unless an exception is~~
7 ~~approved pursuant to regulations adopted by the Commission.~~

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

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

12 ~~6. A special license designated as a special qualifications license, which~~
13 ~~authorizes the holder to teach only in the grades and subject areas designated in the~~
14 ~~license. A special qualifications license is valid for 3 years and may be renewed in~~
15 ~~accordance with the applicable regulations of the Commission adopted pursuant to~~
16 ~~paragraph (g) or (j) of subsection 1 of NRS 391.019. **(Deleted by amendment.)**~~

17 **Sec. 17.** ~~[NRS 391.022 is hereby amended to read as follows:~~

18 ~~391.022 1. Except as otherwise provided in NRS 391.027, the Commission~~
19 ~~shall:~~

20 ~~(a) Consider and may adopt regulations which provide for the issuance of~~
21 ~~conditional licenses to teachers and other educational personnel [before completion~~
22 ~~of all courses of study or other requirements for a license in this State.]~~
23 ~~*participating in an alternative route to licensure that complies with the*~~
24 ~~*requirements of 34 C.F.R. § 200.56(a)(2)(ii)(4).*~~

25 ~~(b) Adopt regulations which provide for the reciprocal licensure of educational~~
26 ~~personnel from other states, including, without limitation, for the reciprocal~~
27 ~~licensure of persons who hold a license to teach special education. Such regulations~~
28 ~~must include, without limitation, provisions for the reciprocal licensure of persons~~
29 ~~who obtained a license pursuant to an alternative route to licensure which the~~
30 ~~Commission determines is as rigorous or more rigorous than the alternative route to~~
31 ~~licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1~~
32 ~~of NRS 391.019.~~

33 ~~2. The regulations adopted pursuant to paragraph (b) of subsection 1 may~~
34 ~~provide an exemption from the examinations required for initial licensure for~~
35 ~~teachers and other educational personnel from another state if the Commission~~
36 ~~determines that the examinations required for initial licensure for teachers and other~~
37 ~~educational personnel in that state are comparable to the examinations required for~~
38 ~~initial licensure in this State.~~

39 ~~3. A person who is issued a conditional license *pursuant to this section* must~~
40 ~~complete all courses of study and other requirements for a license in this State~~
41 ~~which is not conditional within 3 years after the date on which a conditional license~~
42 ~~is issued. **(Deleted by amendment.)**~~

43 **Sec. 18.** ~~[NRS 391.033 is hereby amended to read as follows:~~

44 ~~391.033 1. All licenses for teachers and other educational personnel are~~
45 ~~granted by the Superintendent of Public Instruction pursuant to regulations adopted~~
46 ~~by the Commission and as otherwise provided by law.~~

47 ~~2. An application for the issuance of a license must include the social security~~
48 ~~number of the applicant.~~

49 ~~3. Every applicant for a license must submit with his or her application a~~
50 ~~complete set of his or her fingerprints and written permission authorizing the~~
51 ~~Superintendent to forward the fingerprints to the Central Repository for Nevada~~
52 ~~Records of Criminal History for its initial report on the criminal history of the~~
53 ~~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.]~~ **(Deleted by amendment.)**

Sec. 19. ~~NRS 391.027 is hereby amended to read as follows:~~

~~391.027 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.]~~ **(Deleted by amendment.)**

Sec. 20. NRS 391.100 is hereby amended to read as follows:

391.100 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. [The board of trustees of a school district shall employ an assistant principal in each elementary or secondary school in the district. Any vacancy in an assistant principal position in any elementary or secondary school in a school district must be filled before any vacancy in an administrative position at the district level. Any person employed as an assistant principal, including, without limitation, to fill a vacancy, must meet the requirements for licensure for an administrator prescribed by the Commission on Professional Standards in Education pursuant to NRS 391.019 at the time he or she begins his or her

~~employment as an assistant principal.~~

3. ~~△~~ ~~Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, a~~ person who is employed as a ~~teacher or substitute~~ teacher, regardless of the date of hire, must possess, on or before July 1, ~~2006, 2015,~~ 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~~ Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary, before the board of trustees of a school district may transfer a teacher or administrator who has received an evaluation designating his or her overall performance as minimally effective or ineffective to another school as a result of decreased enrollment, administrative transfer or a reduction in workforce at a public school, the board of trustees of ~~the~~ the school district ~~must obtain the consent of the principal of the school to which the teacher or administrator is proposed to be transferred. If such consent is not obtained, the superintendent of schools of the school district:~~

(a) May assign the teacher or administrator to a school within the district other than the school from which the teacher or administrator was transferred; and

(b) May assign the teacher or administrator to the school at which the principal did not consent to the transfer of the teacher or administrator.

5. 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.

~~5-1~~ 6. The superintendent of schools of a school district shall develop a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as minimally effective or ineffective when the consent of a principal to a transfer pursuant to subsection 4 is not obtained. Such a plan must include, without limitation, a plan for any such teacher or administrator to receive assistance to help the teacher or administrator, as applicable, meet the standards for effective teaching, which may include, without limitation, peer assistance and review, participation in programs

of professional development and other appropriate training.

7. 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.

~~6-8.~~ 8. Except as otherwise provided in subsection ~~7-9.~~ 9., 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.,

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.

~~7-9.~~ 9. 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.

~~8-10.~~ 10. 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 ~~9-11.~~ 11. or ~~10-12.~~ 12. shall be deemed school police officers.

~~9-11.~~ 11. 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.

~~10.12.~~ 12. 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.

Sec. 21. ~~NRS 291.120 is hereby amended to read as follows:~~

~~291.120 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 291.2015, 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 291.301 to 291.309, 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.] (Deleted by amendment.)~~

Sec. 22. ~~NRS 291.170 is hereby amended to read as follows:~~

~~291.170 1. Except as otherwise provided in subsection 2, a) 4 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)] 1. 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)] 2. Has a license authorizing him or her to teach or perform other educational functions at the level and, except as otherwise provided in NRS 291.125, 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;~~

~~3. 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 286.500.]] (Deleted by amendment.)~~

Sec. 23. ~~NRS 291.235 is hereby amended to read as follows:~~

~~291.235 1. The board of trustees of each school district [may] shall 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 ~~[,] and otherwise meets the qualifications required by subsection 3 of NRS 391.100,~~ 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. **(Deleted by amendment.)**

Sec. 24. NRS 391.3125 is hereby amended to read as follows:

391.3125 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, 8, or 10,~~ 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. ~~6.7~~ 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. ~~7.7~~ 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 9.1, ~~8.1~~ or 10., 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. ~~8.7~~ 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. ~~9.7~~ The evaluation of a teacher at a school designated as a turnaround school pursuant to section 4.2 of this act must not include an evaluation of the

performance of pupils enrolled in the school for the first and second years after the school has been designated as a turnaround school.

11. 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.

Sec. 25. NRS 391.3127 is hereby amended to read as follows:

391.3127 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, 7, or 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 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~~ a school-level 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 ~~of a probationary school-level administrator~~ 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 ~~for a school-level administrator~~ 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. ~~5.7~~ 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 ~~for a school-level administrator~~ must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

7. ~~6.7~~ 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: ~~1. and as applicable;~~

(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 8.1-7.7 or 9, 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. ~~7.7~~ 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 same school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

9. ~~8.7~~ The evaluation of an administrator at a school designated as a turnaround school pursuant to section 4.2 of this act must not include an evaluation of the performance of pupils enrolled in the school for the first and second years after the school has been designated as a turnaround school.

10. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

~~10.9.7~~ 11. 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.

~~10. As used in this section, "school-level administrator" means an administrator who provides primarily administrative services at the school level and does not provide primarily direct instructional services to pupils.~~

Sec. 26. [NRS 391.3129 is hereby amended to read as follows:

~~391.3129. 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; or~~

~~(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,~~

~~for 2 consecutive school years] upon the issuance of the evaluation, 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.] (Deleted by amendment.)~~

Sec. 27. [NRS 391.3197 is hereby amended to read as follows:

~~391.3197. 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. If a probationary employee is notified that the employee will not be reemployed, his or her employment ends on the last day of the current school year.~~

~~3. A probationary employee who:~~

~~(a) Completes a 2 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.)~~ (Deleted by amendment.)

Sec. 28. ~~[NRS 391.460 is hereby amended to read as follows:~~

~~391.460 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 [;], and~~

~~(c) Each administrator employed by a school district at the district level is evaluated using a system that takes into account the level of resources provided to the schools under the administrative supervision of the administrator.~~

~~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.} (Deleted by amendment.)~~

Sec. 29. NRS 391.465 is hereby amended to read as follows:

391.465 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).

~~{For administrators employed by a school district at the district level, the performance evaluation system must ensure that each such administrator is evaluated using a system that takes into account the level of resources provided to the schools under the administrative supervision of the administrator.}~~

(c) Except as otherwise provided in ~~subsection 9-81~~ subsections 9 and 10 of NRS 391.3125 and ~~subsection 8-71~~ subsections 8 and 9 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.

Sec. 29.3. NRS 171.1223 is hereby amended to read as follows:

171.1223 1. Except as otherwise provided in subsection 3, in a county whose population is 100,000 or more, a peace officer with limited jurisdiction who witnesses a category A felony being committed or attempted in the officer's presence, or has reasonable cause for believing a person has committed or attempted to commit a category A felony in an area that is within the officer's jurisdiction, shall immediately notify the primary law enforcement agency in the city or county, as appropriate, where the offense or attempted offense was committed.

2. Upon arrival of an officer from the primary law enforcement agency notified pursuant to subsection 1, a peace officer with limited jurisdiction shall immediately transfer the investigation of the offense or attempted offense to the primary law enforcement agency.

3. The provisions of subsection 1 do not:

(a) Apply to an offense or attempted offense that is a misdemeanor, gross misdemeanor or felony other than a category A felony;

(b) Apply to an officer of the Nevada Highway Patrol, a member of the police department of the Nevada System of Higher Education, an agent of the Investigation Division of the Department of Public Safety or a ranger of the Division of State Parks of the State Department of Conservation and Natural Resources;

(c) Apply to a peace officer with limited jurisdiction if an interlocal agreement between the officer's employer and the primary law enforcement agency in the city or county in which a category A felony was committed or attempted authorizes the peace officer with limited jurisdiction to respond to and investigate the felony without immediately notifying the primary law enforcement agency; or

(d) Prohibit a peace officer with limited jurisdiction from:

(1) Contacting a primary law enforcement agency for assistance with an offense that is a misdemeanor, gross misdemeanor or felony that is not a category A felony; or

(2) Responding to a category A felony until the appropriate primary law enforcement agency arrives at the location where the felony was allegedly committed or attempted, including, without limitation, taking any appropriate action to provide assistance to a victim of the felony, to apprehend the person

1 suspected of committing or attempting to commit the felony, to secure the location
2 where the felony was allegedly committed or attempted and to protect the life and
3 safety of the peace officer and any other person present at that location.

4 4. As used in this section:

5 (a) "Peace officer with limited jurisdiction" means:

6 (1) A school police officer who is appointed or employed pursuant to
7 subsection ~~18~~ 10 of NRS 391.100;

8 (2) An airport guard or police officer who is appointed pursuant to NRS
9 496.130;

10 (3) A person employed to provide police services for an airport authority
11 created by a special act of the Legislature; and

12 (4) A marshal or park ranger who is part of a unit of specialized law
13 enforcement established pursuant to NRS 280.125.

14 (b) "Primary law enforcement agency" means:

15 (1) A police department of an incorporated city;

16 (2) The sheriff's office of a county; or

17 (3) If the county is within the jurisdiction of a metropolitan police
18 department, the metropolitan police department.

19 **Sec. 29.7. NRS 288.150 is hereby amended to read as follows:**

20 288.150 1. Except as provided in subsection 4, every local government
21 employer shall negotiate in good faith through one or more representatives of its
22 own choosing concerning the mandatory subjects of bargaining set forth in
23 subsection 2 with the designated representatives of the recognized employee
24 organization, if any, for each appropriate bargaining unit among its employees. If
25 either party so requests, agreements reached must be reduced to writing.

26 2. The scope of mandatory bargaining is limited to:

27 (a) Salary or wage rates or other forms of direct monetary compensation.

28 (b) Sick leave.

29 (c) Vacation leave.

30 (d) Holidays.

31 (e) Other paid or nonpaid leaves of absence.

32 (f) Insurance benefits.

33 (g) Total hours of work required of an employee on each workday or
34 workweek.

35 (h) Total number of days' work required of an employee in a work year.

36 (i) Discharge and disciplinary procedures.

37 (j) Recognition clause.

38 (k) The method used to classify employees in the bargaining unit.

39 (l) Deduction of dues for the recognized employee organization.

40 (m) Protection of employees in the bargaining unit from discrimination
41 because of participation in recognized employee organizations consistent with the
42 provisions of this chapter.

43 (n) No-strike provisions consistent with the provisions of this chapter.

44 (o) Grievance and arbitration procedures for resolution of disputes relating to
45 interpretation or application of collective bargaining agreements.

46 (p) General savings clauses.

47 (q) Duration of collective bargaining agreements.

48 (r) Safety of the employee.

49 (s) Teacher preparation time.

50 (t) Materials and supplies for classrooms.

51 ~~[The]~~ **Except as otherwise provided in subsection 6, the** policies for the
52 transfer and reassignment of teachers.

53 (v) Procedures for reduction in workforce consistent with the provisions of this

chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to section 4.2 of this act or the principal of such a school, as applicable, may take any action authorized pursuant to section 4.2 of this act, including, without limitation:

(a) Reassigning any member of the staff of such a school; or

(b) If the staff member of another public school consents, reassigning that member of the staff of the other public school to such a school.

7. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 6 or imposes consequences on the board of trustees of a school district or the principal of a school for taking any action authorized pursuant to subsection 6 is unenforceable and void.

8. This section does not preclude, but this chapter does not require, the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

~~7.2.~~ 9. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 30. NRS 288.151 is hereby amended to read as follows:

288.151 ~~Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary:~~

1. ~~Except as otherwise provided in subsection~~ subsections 2 ~~to 6,~~ inclusive, if the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must ~~not~~ be based solely on ~~the seniority of the teacher or administrator and may include, without limitation, a consideration of~~ overall performance of the teacher or administrator under the statewide performance evaluation system adopted by the State Board pursuant to NRS 391.465. When determining the manner in which to reduce the existing workforce, the board of trustees of a school district must lay off a teacher or administrator whose overall performance has been determined to be:

(a) Ineffective, before laying off a teacher or administrator whose overall performance has been determined to be minimally effective, effective or highly effective;

(b) Minimally effective, before laying off a teacher or administrator whose overall performance has been determined to be effective or highly effective; and

(c) Effective, before laying off a teacher or administrator whose overall performance has been determined to be highly effective.

2. Except as otherwise provided in subsection 6, if the board of trustees of a school district determines that a further reduction in the existing workforce of the licensed educational personnel in a school district beyond that made pursuant to subsection 1 is necessary, the board of trustees must lay off a teacher or administrator whose employment record includes:

(a) A criminal record that resulted in the suspension of the teacher or administrator; or

(b) Disciplinary action that resulted in the suspension of the teacher or administrator and that was uncontested or has been finally adjudicated;

~~before laying off a teacher or administrator whose employment record does not include such a record or disciplinary action.~~

3. The board of trustees shall lay off teachers or administrators whose employment records include disciplinary actions that resulted in the suspension of the teacher or administrator pursuant to subsection 2 in the order of severity of the disciplinary action, with those employees whose employment record includes more severe disciplinary action being laid off first.

4. Except as otherwise provided in subsection 6, if the board of trustees of a school district determines that a further reduction in the existing workforce of licensed educational personnel beyond that made pursuant to subsection 2 is necessary, the decision to lay off a teacher or administrator must be based on the following factors:

~~(a)~~ (a) Whether the teacher or administrator is employed in a position which is hard to fill;

~~(b)~~ (b) Whether the teacher or administrator has received a national board certification;

~~(c)~~ (c) ~~The performance evaluations of the teacher or administrator;~~

~~(d)~~ (d) ~~The disciplinary record of the teacher or administrator within the school district;~~

~~(e)~~ (e) ~~The criminal record of the teacher or administrator, if any;~~

~~(f)~~ (f) ~~The type of licensure held by the teacher or administrator; and~~

~~(g)~~ (d) The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

~~5.~~ 5. If, after consideration of the factors described in subsection

subsections 1 ~~4~~ to 4, inclusive, two or more teachers or administrators are similarly situated, the board of trustees of the school district may give preference to the more senior teacher or administrator.

6. The board of trustees of a school district is not required to take the actions described in subsections 1 to 4, inclusive, with regard to a teacher who teaches in a school in the district in a subject area for which there is a shortage of teachers, which may include, without limitation, science, technology, engineering, mathematics, special education and English as a second language.

Sec. 30.5. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection ~~4~~ 10 of NRS 391.100 has the powers of a peace officer. A school police officer shall perform the officer's duties in compliance with the provisions of NRS 171.1223.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 31. The amendatory provisions of this act:

~~1. [Do not affect the validity of any conditional, provisional or special qualifications license issued before July 1, 2015, and in effect on that date. Such a license remains valid and effective for all purposes until the date on which it otherwise expires.]~~

~~2. [Insofar as they conflict with the provisions of such a contract, do]~~ Apply to any contract of employment entered into on or after July 1, 2015, and any provision of such an agreement that is in conflict is void.

2. Do not apply to any contract of employment entered into before July 1, 2015, and in effect on that date, but do apply to any extension or renewal of such a contract and to any contract of employment entered into on or after July 1, 2015.

~~3. [Insofar as they conflict with the provisions of such an agreement, do]~~ Do not apply during the current term of any collective bargaining agreement entered into before July 1, 2015, and in effect on that date, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after July 1, 2015.

~~Sec. 32. [The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 32.5. 1. During the 2015-2017 biennium, the Legislative Counsel shall cause the provisions of title 34 of NRS to be reorganized to improve the orderly and logical arrangement of the provisions of that title so that they are easier to use and understand. In doing so, the Legislative Counsel may make any necessary conforming changes to carry out the laws, remove any unnecessary or duplicative provisions from existing law and exercise any other powers conferred by NRS 220.120.

2. During the 2017 Legislative Session, the Legislative Counsel shall present a bill to the Legislature which includes any provisions of title 34 of

NRS that are revised during the reorganization of title 34 of NRS which the
Legislative Counsel determines appropriate for ratification by the Legislature.

Sec. 33. This act becomes effective on July 1, 2015.