

ASSEMBLY BILL NO. 72—COMMITTEE ON EDUCATION

(ON BEHALF OF THE DEPARTMENT OF EDUCATION)

PREFILED NOVEMBER 20, 2018

Referred to Committee on Education

SUMMARY—Revises provisions governing turnaround schools.
(BDR 34-336)

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

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

AN ACT relating to education; revising provisions relating to the designation and governance of a turnaround school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the Department of Education to designate as turnaround schools certain low performing schools and other schools that request the designation. When a school is designated as a turnaround school, the principal of the school is given authority to take various independent actions intended to improve the achievement of pupils and performance of the school. Existing law further allows the board of trustees of a school district to review the performance of the principal of a school that is designated as a turnaround school and determine whether to retain or replace the principal. (NRS 388G.400) **Section 2** of this bill removes the language that would allow the principal to be reviewed and replaced and instead, **section 1** of this bill requires the principal of the school to be evaluated by an entity approved by the Department or the school district pursuant to a process approved by the Department to determine whether the performance of the principal has the ability to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance. If the principal is found to have the ability to provide such leadership, the principal is designated a turnaround principal. **Section 1** further provides that a school may only be designated as a turnaround school if it has a turnaround principal. If the principal is not determined to have the ability to provide the necessary leadership, the Department may recommend certain actions to assist the principal to develop the necessary leadership skills to receive that designation. A principal or school that is not designated as a turnaround principal or turnaround school remains eligible for that designation in a subsequent year. **Sections 2-6** of this bill make conforming changes and remove the requirement for the State Board of Education to adopt regulations, which was moved to **section 1**.



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

Section 1. Chapter 388G of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may designate a school as a turnaround school if the school and the principal of the school meet the requirements of this section.

2. Before designating a public school as a turnaround school, the Department shall require the principal of the public school to be evaluated to determine whether he or she may be designated as a turnaround principal. To receive such a designation, the evaluation must establish that the principal has the ability to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance.

3. The evaluation of a principal may be performed by:

(a) A third party that has been approved by the Department; or
(b) The school district in which the public school is located using a process that has been approved by the Department.

4. If the evaluator who performed the evaluation of a principal pursuant to subsection 2 determines that the principal does not have the ability to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance at the public school:

(a) The public school must not be designated as a turnaround school for the year in which the evaluation was performed; and

(b) The Department may recommend professional development to be completed by the principal to assist the principal to acquire the leadership skills necessary to form and execute a plan to improve pupil achievement and school performance.

5. If the evaluator who performed the evaluation of the principal pursuant to subsection 2 determines that the principal of the public school has the ability to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance at the school, the Department shall designate the principal a turnaround principal and may designate the school as a turnaround school if the school meets the criteria established pursuant to subsection 6 for receiving such a designation.

6. The State Board, in consultation with the board of trustees of each school district, shall 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.



7. *Nothing in this section shall be construed as prohibiting a principal who is not designated as a turnaround principal or a public school that is not designated as a turnaround school for 1 school year from receiving such a designation in a subsequent school year.*

8. *As used in this section, "public school" does not include a charter school or a university school for profoundly gifted pupils.*

Sec. 2. NRS 388G.400 is hereby amended to read as follows:

388G.400 1. If the Department designates a **public** school as a turnaround school pursuant to ~~this section:~~

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

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

~~—(2) Reassign the replaced principal to another public school within the school district.~~

~~—(b)}~~ **section 1 of this act:**

(a) The principal of the school may:

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

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

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

(1) Salary increases and bonuses;

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

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

(4) Opportunities for promotion and career development.



2. If a teacher of a school is reassigned to another public school within the school district pursuant to subparagraph (1) of paragraph ~~[(b)]~~ (a) of subsection 1, the 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)]~~ (a) 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. 3. NRS 391.695 is hereby amended to read as follows:

391.695 1. The evaluation of a probationary teacher or a postprobationary teacher pursuant to NRS 391.685 or 391.690 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 2 or 3, 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.



2. 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 391.730.

3. The evaluation of a teacher at a school designated as a turnaround school pursuant to ~~NRS 388G.400~~ **section 1 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.

4. 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. 4. NRS 391.715 is hereby amended to read as follows:

391.715 1. The evaluation of an administrator pursuant to NRS 391.705 or 391.710 must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

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

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

(c) Except as otherwise provided in subsection 2 or 3, 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.

2. The evaluation of a probationary administrator in his or her initial year of probationary employment must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.730.

3. The evaluation of an administrator at a school designated as a turnaround school pursuant to ~~NRS 388G.400~~ **section 1 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.

Sec. 5. NRS 391A.383 is hereby amended to read as follows:

391A.383 1. Except as otherwise provided in subsection 4, the board of trustees of a school district in which more than 75,000 pupils are enrolled shall conduct an investigation described in subsection 2 upon:

(a) The petition of at least 50 percent of the licensed employees and classified employees assigned to a school;

(b) The petition of parents and legal guardians of pupils who are enrolled in a school which is signed by a number of parents and legal guardians representing at least 5 percent of the number of the average daily enrollment of pupils for the school that was most recently reported pursuant to NRS 387.1223; or

(c) The affirmative vote of a majority of the members of an organizational team, if the principal of a school within the school district has established such a team as part of the reorganization of the school district in which the school is located to assist in the development of a plan of operation for the school or to provide other assistance and advice relating to the school.

2. An investigation conducted pursuant to subsection 1, must investigate whether:

(a) Teachers, principals and other members of the staff at the school are effectively engaging the parents and families of pupils who are enrolled in the school in the education of their children; and

(b) The culture at the school is focused on pupil outcomes.

3. The board of trustees of the school district shall provide any necessary and appropriate training for teachers, principals, other educational personnel and members of the staff at the school to ensure that parents and families of pupils who are enrolled in the school are effectively engaged in the education of their children and that the culture at the school is focused on pupil outcomes.

4. The provisions of this section do not apply to a school that has been designated as a turnaround school pursuant to ~~NRS 388C.400~~ **section 1 of this act** until after the first school year in which it has operated under such a designation.

Sec. 6. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.



2. The scope of mandatory bargaining is limited to:
- (a) Salary or wage rates or other forms of direct monetary compensation.
 - (b) Sick leave.
 - (c) Vacation leave.
 - (d) Holidays.
 - (e) Other paid or nonpaid leaves of absence consistent with the provisions of this chapter.
 - (f) Insurance benefits.
 - (g) Total hours of work required of an employee on each workday or workweek.
 - (h) Total number of days' work required of an employee in a work year.
 - (i) Except as otherwise provided in subsections 6 and 10, discharge and disciplinary procedures.
 - (j) Recognition clause.
 - (k) The method used to classify employees in the bargaining unit.
 - (l) Deduction of dues for the recognized employee organization.
 - (m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.
 - (n) No-strike provisions consistent with the provisions of this chapter.
 - (o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.
 - (p) General savings clauses.
 - (q) Duration of collective bargaining agreements.
 - (r) Safety of the employee.
 - (s) Teacher preparation time.
 - (t) Materials and supplies for classrooms.
 - (u) Except as otherwise provided in subsections 7, 9 and 10, the policies for the transfer and reassignment of teachers.
 - (v) Procedures for reduction in workforce consistent with the provisions of this chapter.
 - (w) Procedures consistent with the provisions of subsection 4 for the reopening of collective bargaining agreements for additional, further, new or supplementary negotiations during periods of fiscal emergency.
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



1 excluding the right to assign or transfer an employee as a form of
2 discipline.

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

6 (c) The right to determine:

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

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

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

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

14 (d) Safety of the public.

15 4. Notwithstanding the provisions of any collective bargaining
16 agreement negotiated pursuant to this chapter, a local government
17 employer is entitled to:

18 (a) Reopen a collective bargaining agreement for additional,
19 further, new or supplementary negotiations relating to compensation
20 or monetary benefits during a period of fiscal emergency.
21 Negotiations must begin not later than 21 days after the local
22 government employer notifies the employee organization that a
23 fiscal emergency exists. For the purposes of this section, a fiscal
24 emergency shall be deemed to exist:

25 (1) If the amount of revenue received by the general fund of
26 the local government employer during the last preceding fiscal year
27 from all sources, except any nonrecurring source, declined by 5
28 percent or more from the amount of revenue received by the general
29 fund from all sources, except any nonrecurring source, during the
30 next preceding fiscal year, as reflected in the reports of the annual
31 audits conducted for those fiscal years for the local government
32 employer pursuant to NRS 354.624; or

33 (2) If the local government employer has budgeted an
34 unreserved ending fund balance in its general fund for the current
35 fiscal year in an amount equal to 4 percent or less of the actual
36 expenditures from the general fund for the last preceding fiscal year,
37 and the local government employer has provided a written
38 explanation of the budgeted ending fund balance to the Department
39 of Taxation that includes the reason for the ending fund balance and
40 the manner in which the local government employer plans to
41 increase the ending fund balance.

42 (b) Take whatever actions may be necessary to carry out its
43 responsibilities in situations of emergency such as a riot, military
44 action, natural disaster or civil disorder. Those actions may include



1 the suspension of any collective bargaining agreement for the
2 duration of the emergency.

3 ➤ Any action taken under the provisions of this subsection must not
4 be construed as a failure to negotiate in good faith.

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

10 6. If the sponsor of a charter school reconstitutes the governing
11 body of a charter school pursuant to NRS 388A.330, the new
12 governing body may terminate the employment of any teachers or
13 other employees of the charter school, and any provision of any
14 agreement negotiated pursuant to this chapter that provides
15 otherwise is unenforceable and void.

16 7. The board of trustees of a school district in which a school is
17 designated as a turnaround school pursuant to ~~NRS 388G.400~~
18 **section 1 of this act** or the principal of such a school, as applicable,
19 may take any action authorized pursuant to NRS 388G.400,
20 including, without limitation:

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

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

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

31 9. The board of trustees of a school district may reassign any
32 member of the staff of a school that is converted to an achievement
33 charter school pursuant to NRS 388B.200 to 388B.230, inclusive,
34 and any provision of any agreement negotiated pursuant to this
35 chapter which provides otherwise is unenforceable and void.

36 10. The board of trustees of a school district or the governing
37 body of a charter school or university school for profoundly gifted
38 pupils may use a substantiated report of the abuse or neglect of a
39 child or a violation of NRS 201.540, 201.560, 392.4633 or 394.366
40 obtained from the Statewide Central Registry for the Collection of
41 Information Concerning the Abuse or Neglect of a Child established
42 by NRS 432.100 or an equivalent registry maintained by a
43 governmental agency in another jurisdiction for the purposes
44 authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or
45 391.281, as applicable. Such purposes may include, without



1 limitation, making a determination concerning the assignment,
2 discipline or termination of an employee. Any provision of any
3 agreement negotiated pursuant to this chapter which conflicts with
4 the provisions of this subsection is unenforceable and void.

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

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

13 13. As used in this section:

14 (a) “Abuse or neglect of a child” has the meaning ascribed to it
15 in NRS 392.281.

16 (b) “Achievement charter school” has the meaning ascribed to it
17 in NRS 385.007.

18 **Sec. 7.** This act becomes effective upon passage and approval.

