Assembly Bill No. 155–Assemblymembers La Rue Hatch, Anderson, Carter, Miller; and Hunt

CHAPTER.....

AN ACT relating to public employees; revising the scope of the mandatory subjects of collective bargaining to include the ratio of pupils per licensed teacher for each classroom and the ratio of pupils per each type of specialized instructional support personnel in public schools; revising the requirement that a school district consider the recommendations developed by the State Board of Education when establishing the ratio of pupils per licensed teacher and specialized instructional support personnel; revising provisions concerning the development of a plan to improve set ratios of pupils to specialized instructional support personnel in certain school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the mandatory subjects of bargaining that are subject to negotiation with a recognized employee organization for the purposes of a collective bargaining agreement. (NRS 288.150) **Section 1** of this bill revises the scope of mandatory subjects of bargaining to include the ratio of pupils per licensed teacher for each classroom and the ratio of pupils per each type of specialized instructional support personnel in public schools.

Existing law requires the board of trustees of each school district to consider the recommendations developed by the State Board of Education when establishing the ratio of pupils per licensed teacher or specialized instructional support personnel in the school district. (NRS 388.890) **Section 2** of this bill creates an exception to this requirement for when a school district is bound to a ratio of pupils per licensed teacher or specialized instructional support personnel set by a collective bargaining agreement. **Section 3** of this bill makes conforming changes to a provision relating to the development of a plan to improve the set ratio of pupils to specialized instructional support personnel in certain school districts.

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

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

Section 1. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as otherwise provided in subsection 6 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.

(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 8 and 11, 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 9 and 11, the policies for the transfer and reassignment of teachers.

(v) ***The ratio of pupils per licensed teacher for each classroom.***

(w) The ratio of pupils per each type of specialized instructional support personnel.

(x) Procedures for reduction in workforce consistent with the provisions of this chapter.

~~[(w)]~~ ***(y)*** Procedures consistent with the provisions of subsection 6 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 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)]~~ ***(x)*** of subsection 2.

(c) The right to determine:

(1) ~~[Appropriate]~~ ***Except as otherwise provided in paragraphs (v) and (w) of subsection 2, 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. The provisions of NRS 245.063, 268.4069 and 391.1605 are not subject to negotiations with an employee organization. Any provision of a collective bargaining agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of NRS 245.063, 268.4069 or 391.1605 is unenforceable and void.

5. If the local government employer is a school district, any money appropriated by the State to carry out increases in salaries or benefits for the employees of the school district is subject to negotiations with an employee organization.

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

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

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

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

(b) 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.

7. 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.

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

9. The board of trustees of a school district in which a school is designated as a turnaround school pursuant to NRS 388G.400 or the principal of such a school, as applicable, may take any action authorized pursuant to NRS 388G.400, 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.

10. Any provision of an agreement negotiated pursuant to this chapter which differs from or conflicts in any way with the provisions of subsection 9 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 9 is unenforceable and void.

11. The board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils may use a substantiated report of the abuse or neglect of a child or a violation of NRS 201.540, 201.553, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 or an equivalent registry maintained by a governmental agency in another jurisdiction for the purposes authorized by NRS 388A.515, 388C.200, 391.033, 391.104 or 391.281, as applicable. Such purposes may include, without limitation, making a determination concerning the assignment, discipline or termination of an employee. Any provision of any agreement negotiated pursuant to this chapter which conflicts with the provisions of this subsection is unenforceable and void.

12. 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.

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

14. As used in this section, "abuse or neglect of a child" has the meaning ascribed to it in NRS 392.281.

Sec. 2. NRS 388.890 is hereby amended to read as follows:

388.890 1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher and specialized instructional support personnel in the public schools of this State for kindergarten and grades 1 to 12, inclusive. ~~[The]~~ ***Unless a school district is bound to a ratio of pupils per licensed teacher or specialized instructional support personnel set by a collective bargaining agreement established pursuant to NRS 288.150, the*** board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed

teacher or specialized instructional support personnel, as applicable, in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Prescribe a suggested ratio of pupils per each type of specialized instructional support personnel for each kind of public school described in NRS 388.020;

(c) Be based on evidence-based national standards set forth by the licensing body for teachers and the licensing body for each type of specialized instructional support personnel;

(d) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners;

(e) Require that administrators and other licensed educational personnel, including, without limitation, counselors, coaches and special education teachers, who may be present in a classroom but do not teach every pupil in the classroom may not be counted in determining the ratio of pupils per licensed teacher; and

(f) Count only teachers who are actively teaching pupils during a class period and teach a subject, and are the teacher of record assigned to the classroom of pupils, for which the ratio of pupils per licensed teacher is being determined.

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

4. Not later than 30 days after the beginning of each school year, the board of trustees of each school district shall post on an Internet website maintained by the school district the ratio of pupils per licensed teacher that has been approved for each class in the district.

5. The board of trustees of a school district with one or more schools that exceed the recommended ratio of pupils to specialized instructional support personnel shall develop a 15-year strategic plan to achieve the ratio of pupils to specialized instructional support personnel in the district.

6. On or before February 1 of each odd-numbered year, the board of trustees of each school district shall submit a report on the progress of the school district in obtaining the ratio of pupils per licensed teacher and specialized instructional support personnel recommended pursuant to this section to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

7. As used in this section:

(a) "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).

(b) "Specialized instructional support personnel" includes persons employed by each school to provide necessary services such as assessment, diagnosis, counseling, educational services, therapeutic services and related services, as defined in 20 U.S.C. § 1401(26), to pupils. Such persons employed by a school include, without limitation:

(1) A school counselor;
(2) A school psychologist;
(3) A school social worker;
(4) A school nurse;
(5) A speech-language pathologist;
(6) A school library media specialist; and
(7) Any other qualified professional.

Sec. 3. NRS 388.892 is hereby amended to read as follows:

388.892 1. The board of trustees of a school district in a county whose population is 100,000 or more shall develop a plan to improve the ratio of pupils to specialized instructional support personnel to meet the ratio ~~[recommended]~~ ***:***

(a) Recommended by the State Board pursuant to NRS 388.890 ~~[.]~~ ***; or***

(b) Required by a collective bargaining agreement established pursuant to NRS 288.150, if applicable.

2. The plan ***developed pursuant to subsection 1*** must include, without limitation:

(a) Strategies to recruit and retain school counselors, school psychologists and school social workers and other specialized instructional support personnel; and

(b) Annual targets to meet the ratio of pupils to specialized instructional support personnel ~~[recommended]~~ ***:***

(1) Recommended by the State Board pursuant to NRS 388.890 ~~[.]~~ ***; or***

(2) Required by a collective bargaining agreement established pursuant to NRS 288.150, if applicable.

~~[2.]~~ ***3.*** On or before October 1 of each year, the board of trustees of a school district in a county whose population is 100,000 or more shall submit to the Department a report on the implementation of the plan developed pursuant to subsection 1 for the immediately preceding school year. The report must include, without limitation:

(a) The ratio of pupils to specialized instructional support personnel for the immediately preceding school year, disaggregated by type of specialized instructional support personnel, and any progress made to meet the recommended ***or required*** ratio;

(b) An evaluation of the strategies to recruit and retain specialized instructional support personnel implemented pursuant to paragraph (a) of subsection ~~[1.]~~ ***2;*** and

(c) A strategy to be implemented over the next school year to meet the annual targets identified pursuant to paragraph (b) of subsection ~~[1.]~~ ***2.***

~~[3.]~~ ***4.*** On or before February 1 of each year, the Department shall submit a compilation of the reports submitted to the Department pursuant to subsection ~~[2]~~ ***3*** to:

(a) The Governor;

(b) In odd-numbered years, the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education;

(c) In even-numbered years, the Joint Interim Standing Committee on Education; and

(d) The State Board.

~~[4.]~~ ***5.*** The compilation prepared by the Department pursuant to subsection ~~[3]~~ ***4*** must allow the information included in the report to be disaggregated by school district. The Department shall post a copy of the compilation on its Internet website.

~~[5.]~~ ***6.*** As used in this section, "specialized instructional support personnel" has the meaning ascribed to it in NRS 388.890.

Sec. 4. The amendatory provisions of this act do not apply to a collective bargaining agreement entered into before July 1, 2025.

Sec. 5. This act becomes effective on July 1, 2025.

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