

Senate Bill No. 92—Committee on Education

CHAPTER.....

AN ACT relating to education; 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:

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 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 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.

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:

Sections 1-4. (Deleted by amendment.)

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

1. If the Department designates a 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) 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) 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) 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) 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 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.

Secs. 5-19. (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.

3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, 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 ~~the~~ 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.

~~16.1~~ **8.** Except as otherwise provided in subsection ~~17.1~~ **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.

~~17.1~~ **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.

~~18.1~~ **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 ~~19.1~~ **11** or ~~110.1~~ **12** shall be deemed school police officers.

~~19.1~~ **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.

~~H0-1~~ **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.

Secs. 21-23. (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 ~~H~~ **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. 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. 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 ~~9~~ 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. 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. *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 ~~8~~ **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 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 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 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. 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 must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

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:

(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 ~~8~~ *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. 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 391.3129.

9. *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.~~ 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.

Secs. 26-28. (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).

(c) Except as otherwise provided in ~~[subsection 9]~~ *subsections 9 and 10* of NRS 391.3125 and ~~[subsection 8]~~ *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 suspected of committing or attempting to commit the felony, to secure the location where the felony was allegedly committed or attempted and to protect the life and safety of the peace officer and any other person present at that location.

4. As used in this section:

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

(1) A school police officer who is appointed or employed pursuant to subsection ~~8~~ 10 of NRS 391.100;

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

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

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

(b) "Primary law enforcement agency" means:

(1) A police department of an incorporated city;

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

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

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

288.150 1. Except as provided in subsection 4, 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) 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) ~~The~~ *Except as otherwise provided in subsection 6, the* policies for the transfer and reassignment of teachers.

(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.]~~ 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 ~~[H]~~ *Notwithstanding the provisions of any collective bargaining agreement or contract of employment to the contrary:*

1. Except as otherwise provided in 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:*

~~[1.]~~ (a) *Whether the teacher or administrator is employed in a position which is hard to fill;*

~~[2.]~~ (b) *Whether the teacher or administrator has received a national board certification;*

~~[3.]~~ (c) ~~*The performance evaluations of the teacher or administrator;*~~

~~—4.—~~ ~~*The disciplinary record of the teacher or administrator within the school district;*~~

~~—5.—~~ ~~*The criminal record of the teacher or administrator, if any;*~~

~~—6.]~~ *The type of licensure held by the teacher or administrator;*
and

~~[7.]~~ (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. If, after consideration of the factors described in subsections 1 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 ~~8~~ 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. 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. 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. (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.