

MOCK-UP

PROPOSED AMENDMENT 7574 TO
SENATE BILL NO. 92

MAY 21, 2015

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

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

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

- 1 Section 1. (Deleted by amendment.)
2 Sec. 2. (Deleted by amendment.)
3 Sec. 3. (Deleted by amendment.)
4 Sec. 4. (Deleted by amendment.)
5 Sec. 4.2. Chapter 385 of NRS is hereby amended by adding
6 thereto a new section to read as follows:
7 1. If the Department designates a school as underperforming:
8 (a) The board of trustees of the school district in which the school is
9 located may review the performance of the principal at the school to
10 determine whether to retain or replace the principal. If the board of
11 trustees of the school district decides to replace the principal, the board
12 of trustees of the school district must:
13 (1) Immediately commence the process of selecting a new
14 principal for the school and make a selection with the approval of the
15 Department so that the new principal may begin before the start of the
16 next school year; and
17 (2) Reassign the replaced principal to another public school

1 within the school district.
2 (b) The principal of the school may:
3 (1) Review each employee of the school to determine whether to
4 retain the employee based on the needs of the school. The board of
5 trustees of the school district in which the school is located shall reassign
6 any employee who is not retained pursuant to this paragraph to another
7 public school within the school district; and
8 (2) Make all determinations for the school concerning hiring,
9 curriculum, school schedule and instructional design.
10 (c) The board of trustees of the school district in which the school is
11 located shall create financial and other incentives to be offered to
12 teachers and paraprofessionals who work in classrooms or provide
13 tutoring to pupils at the school that are intended to motivate such
14 persons to apply for positions at the school and continue employment at
15 the school. Such incentives may include, without limitation:
16 (1) Salary increases or bonuses;
17 (2) Flexible schedules that allow teachers to pursue other
18 assignments or education;
19 (3) Opportunities to receive training and to participate in
20 programs for professional development; and
21 (4) Opportunities for promotion or career development.
22 2. If a teacher of a school is reassigned to another public school
23 within the school district pursuant to subparagraph (1) of paragraph (b)
24 of subsection 1, the board of trustees of the school district shall ensure
25 that the employee receives assistance to help the teacher meet the
26 standards for effective teaching which may include, without limitation,
27 peer assistance and review.
28 3. If a determination made by the principal of a school pursuant to
29 paragraph (b) of subsection 1 will:
30 (a) Increase the cost of operating the school, the principal must seek
31 to obtain any available grant from the Department of Education and
32 request any necessary additional amount of money from the board of
33 trustees of the school district.
34 (b) Decrease the cost of operating the school, the board of trustees of
35 the school district must not reduce the amount of money allocated to the
36 school as a result of the savings.
37 4. The State Board shall establish, by regulation, the criteria for
38 designating a school as underperforming for the purposes of this section.
39 Such criteria must use current data from multiple sources.
40 Sec. 5. (Deleted by amendment.)
41 Sec. 6. (Deleted by amendment.)
42 Sec. 7. (Deleted by amendment.)
43 Sec. 8. (Deleted by amendment.)
44 Sec. 9. (Deleted by amendment.)
45 Sec. 10. (Deleted by amendment.)

1 Sec. 11. ~~(Deleted by amendment.)~~
2 Sec. 12. ~~(Deleted by amendment.)~~
3 Sec. 13. ~~(Deleted by amendment.)~~
4 Sec. 14. ~~(Deleted by amendment.)~~
5 Sec. 15. ~~(Deleted by amendment.)~~
6 Sec. 16. ~~(Deleted by amendment.)~~
7 Sec. 17. ~~(Deleted by amendment.)~~
8 Sec. 18. ~~(Deleted by amendment.)~~
9 Sec. 19. ~~(Deleted by amendment.)~~
10 Sec. 20. NRS 391.100 is hereby amended to read as follows:
11 391.100 1. The board of trustees of a school district may employ a
12 superintendent of schools, teachers and all other necessary employees.
13 2. A person who is initially hired by the board of trustees of a school
14 district on or after January 8, 2002, to teach in a program supported with
15 money from Title I must possess the qualifications required by 20 U.S.C. §
16 6319(a). For the purposes of this subsection, a person is not “initially
17 hired” if he or she has been employed as a teacher by another school
18 district or charter school in this State without an interruption in
19 employment before the date of hire by the person’s current employer.
20 ~~The board of trustees of a school district shall employ an assistant~~
21 ~~principal in each elementary or secondary school in the district. Any~~
22 ~~vacancy in an assistant principal position in any elementary or~~
23 ~~secondary school in a school district must be filled before any vacancy in~~
24 ~~an administrative position at the district level. Any person employed as~~
25 ~~an assistant principal, including, without limitation, to fill a vacancy,~~
26 ~~must meet the requirements for licensure for an administrator prescribed~~
27 ~~by the Commission on Professional Standards in Education pursuant to~~
28 ~~NRS 391.019 at the time he or she begins his or her employment as an~~
29 ~~assistant principal.~~
30 3. ~~Notwithstanding the provisions of any collective bargaining~~
31 ~~agreement or contract of employment to the contrary, a~~ person who is
32 employed as a ~~teacher or substitute~~ teacher, regardless of the date of
33 hire, must possess, on or before July 1, 2006, ~~2015,~~ the qualifications
34 required by 20 U.S.C. § 6319(a) if the person teaches:
35 (a) English, reading or language arts;
36 (b) Mathematics;
37 (c) Science;
38 (d) Foreign language;
39 (e) Civics or government;
40 (f) Economics;
41 (g) Geography;
42 (h) History; or
43 (i) The arts.
44 4. ~~The~~ Notwithstanding the provisions of any collective bargaining
45 agreement or contract of employment to the contrary, before the board of

1 trustees of a school district may transfer a teacher or administrator who
2 has received an evaluation designating his or her overall performance as
3 minimally effective or ineffective to another school as a result of
4 decreased enrollment, administrative transfer or a reduction in
5 workforce at a public school, the board of trustees of a school district ~~4~~
6 must obtain the consent of the principal of the school to which the
7 teacher or administrator is proposed to be transferred.

8 5. The board of trustees of a school district:

9 (a) May employ teacher aides and other auxiliary, nonprofessional
10 personnel to assist licensed personnel in the instruction or supervision of
11 children, either in the classroom or at any other place in the school or on
12 the grounds thereof. A person who is initially hired as a paraprofessional
13 by a school district on or after January 8, 2002, to work in a program
14 supported with Title I money must possess the qualifications required by
15 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a
16 school district, regardless of the date of hire, to work in a program
17 supported with Title I money must possess, on or before January 8, 2006,
18 the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this
19 paragraph, a person is not “initially hired” if he or she has been employed
20 as a paraprofessional by another school district or charter school in this
21 State without an interruption in employment before the date of hire by the
22 person’s current employer.

23 (b) Shall establish policies governing the duties and performance of
24 teacher aides.

25 (c) May develop a plan to address the assignment of teachers or
26 administrators who have received evaluations designating their overall
27 performance as minimally effective or ineffective and who are unable to
28 obtain the consent of a principal pursuant to subsection 4. Such a plan
29 must include, without limitation, a plan for any such teacher or
30 administrator to receive assistance to help the teacher or administrator,
31 as applicable, meet the standards for effective teaching which may
32 include, without limitation, peer assistance and review, participation in
33 programs of professional development and other appropriate training.

34 ~~5~~ 6. Each applicant for employment pursuant to this section, except
35 a teacher or other person licensed by the Superintendent of Public
36 Instruction, must, as a condition to employment, submit to the school
37 district a full set of the applicant’s fingerprints and written permission
38 authorizing the school district to forward the fingerprints to the Central
39 Repository for Nevada Records of Criminal History for its report on the
40 criminal history of the applicant and for submission to the Federal Bureau
41 of Investigation for its report on the criminal history of the applicant.

42 ~~6~~ 7. Except as otherwise provided in subsection ~~7~~ 8, the board of
43 trustees of a school district shall not require a licensed teacher or other
44 person licensed by the Superintendent of Public Instruction pursuant to
45 NRS 391.033 who has taken a leave of absence from employment

1 authorized by the school district, including, without limitation:
2 (a) Sick leave;
3 (b) Sabbatical leave;
4 (c) Personal leave;
5 (d) Leave for attendance at a regular or special session of the
6 Legislature of this State if the employee is a member thereof;
7 (e) Maternity leave; and
8 (f) Leave permitted by the Family and Medical Leave Act of 1993, 29
9 U.S.C. §§ 2601 et seq.,
10 ↪ to submit a set of his or her fingerprints as a condition of return to or
11 continued employment with the school district if the employee is in good
12 standing when the employee began the leave.
13 ~~17~~ 8. A board of trustees of a school district may ask the
14 Superintendent of Public Instruction to require a person licensed by the
15 Superintendent of Public Instruction pursuant to NRS 391.033 who has
16 taken a leave of absence from employment authorized by the school
17 district to submit a set of his or her fingerprints as a condition of return to
18 or continued employment with the school district if the board of trustees
19 has probable cause to believe that the person has committed a felony or an
20 offense involving moral turpitude during the period of his or her leave of
21 absence.
22 ~~18~~ 9. The board of trustees of a school district may employ or
23 appoint persons to serve as school police officers. If the board of trustees
24 of a school district employs or appoints persons to serve as school police
25 officers, the board of trustees shall employ a law enforcement officer to
26 serve as the chief of school police who is supervised by the superintendent
27 of schools of the school district. The chief of school police shall supervise
28 each person appointed or employed by the board of trustees as a school
29 police officer. In addition, persons who provide police services pursuant to
30 subsection ~~19~~ 10 or ~~110~~ 11 shall be deemed school police officers.
31 ~~19~~ 10. The board of trustees of a school district in a county that has a
32 metropolitan police department created pursuant to chapter 280 of NRS
33 may contract with the metropolitan police department for the provision and
34 supervision of police services in the public schools within the jurisdiction
35 of the metropolitan police department and on property therein that is
36 owned by the school district. If a contract is entered into pursuant to this
37 subsection, the contract must make provision for the transfer of each
38 school police officer employed by the board of trustees to the metropolitan
39 police department. If the board of trustees of a school district contracts
40 with a metropolitan police department pursuant to this subsection, the
41 board of trustees shall, if applicable, cooperate with appropriate local law
42 enforcement agencies within the school district for the provision and
43 supervision of police services in the public schools within the school
44 district and on property owned by the school district, but outside the
45 jurisdiction of the metropolitan police department.

1 ~~10.1~~ 11. The board of trustees of a school district in a county that
2 does not have a metropolitan police department created pursuant to chapter
3 280 of NRS may contract with the sheriff of that county for the provision
4 of police services in the public schools within the school district and on
5 property therein that is owned by the school district.

6 **Sec. 21.** (Deleted by amendment.)

7 **Sec. 22.** (Deleted by amendment.)

8 **Sec. 23.** (Deleted by amendment.)

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

10 391.3125 1. It is the intent of the Legislature that a uniform system
11 be developed for objective evaluation of teachers and other licensed
12 personnel in each school district.

13 2. Each board, following consultation with and involvement of
14 elected representatives of the teachers or their designees, shall develop a
15 policy for objective evaluations in narrative form. The policy must comply
16 with the statewide performance evaluation system established by the State
17 Board pursuant to NRS 391.465. The policy must set forth a means
18 according to which an employee's overall performance is determined to be
19 highly effective, effective, minimally effective or ineffective. Except as
20 otherwise provided in subsection ~~9, 8, 7~~ or 10, the policy must require that
21 pupil achievement data, as prescribed by the State Board pursuant to NRS
22 391.465, account for at least 50 percent of the evaluation. The policy may
23 include an evaluation by the teacher, pupils, administrators or other
24 teachers or any combination thereof. In a similar manner, counselors,
25 librarians and other licensed personnel must be evaluated. A copy of the
26 policy adopted by the board must be filed with the Department. The
27 primary purpose of an evaluation is to provide a format for constructive
28 assistance. Evaluations, while not the sole criterion, must be used in the
29 dismissal process.

30 3. The person charged with the evaluation of a teacher pursuant to
31 this section shall hold a conference with the teacher before and after each
32 scheduled observation of the teacher during the school year.

33 4. A probationary teacher must be evaluated three times during each
34 school year of his or her probationary employment. Each evaluation must
35 include at least one scheduled observation of the teacher during the school
36 year as follows:

37 (a) The first scheduled observation must occur within 40 days after the
38 first day of instruction of the school year;

39 (b) The second scheduled observation must occur after 40 days but
40 within 80 days after the first day of instruction of the school year; and

41 (c) The third scheduled observation must occur after 80 days but
42 within 120 days after the first day of instruction of the school year.

43 5. If a postprobationary teacher receives an evaluation designating his
44 or her overall performance as minimally effective or ineffective, the
45 postprobationary teacher must be evaluated three times in the immediately

1 succeeding school year in accordance with the observation schedule set
2 forth in subsection 4. If a postprobationary teacher is evaluated three times
3 in a school year and he or she receives an evaluation designating his or her
4 overall performance as minimally effective or ineffective on the first or
5 second evaluation, or both evaluations, the postprobationary teacher may
6 request that the third evaluation be conducted by another administrator. If a
7 postprobationary teacher requests that his or her third evaluation be
8 conducted by another administrator, that administrator must be:

9 (a) Employed by the school district or, if the school district has five or
10 fewer administrators, employed by another school district in this State; and

11 (b) Selected by the postprobationary teacher from a list of three
12 candidates submitted by the superintendent.

13 6. If a postprobationary teacher receives an evaluation designating his
14 or her overall performance as effective, the postprobationary teacher must
15 be evaluated one time in the immediately succeeding school year. The
16 evaluation must include at least two scheduled observations as follows:

17 (a) The first scheduled observation must occur within 80 days after the
18 first day of instruction of the school year; and

19 (b) The second scheduled observation must occur after 80 days but
20 within 120 days after the first day of instruction of the school year.

21 7. ~~6.~~ If a postprobationary teacher receives an evaluation
22 designating his or her overall performance as highly effective, the
23 postprobationary teacher must be evaluated one time in the immediately
24 succeeding school year. The evaluation must include at least one scheduled
25 observation which must occur within 120 days after the first day of
26 instruction of the school year.

27 8. ~~7.~~ The evaluation of a probationary teacher or a postprobationary
28 teacher pursuant to this section must comply with the regulations of the
29 State Board adopted pursuant to NRS 391.465, which must include,
30 without limitation:

31 (a) An evaluation of the instructional practice of the teacher in the
32 classroom;

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

35 (c) Except as otherwise provided in subsection 9. ~~8.~~ an evaluation of
36 the performance of pupils enrolled in the school;

37 (d) An evaluation of whether the teacher employs practices and
38 strategies to involve and engage the parents and families of pupils in the
39 classroom;

40 (e) Recommendations for improvements in the performance of the
41 teacher;

42 (f) A description of the action that will be taken to assist the teacher in
43 the areas of instructional practice, professional responsibilities and the
44 performance of pupils; and

45 (g) A statement by the administrator who evaluated the teacher

1 indicating the amount of time that the administrator personally observed
2 the performance of the teacher in the classroom.

3 9. ~~10.~~ The evaluation of a probationary teacher in his or her initial
4 year of employment as a probationary teacher must not include an
5 evaluation of the performance of pupils enrolled in the school. This
6 subsection does not apply to a postprobationary employee who is deemed
7 to be a probationary employee pursuant to NRS 391.3129.

8 10. ~~11.~~ *The State Board may adopt regulations providing that the*
9 *evaluation of a teacher or an administrator at a school designated as*
10 *underperforming pursuant to section 4.2 of this act must not be adversely*
11 *affected by pupil achievement data for a period established by regulation*
12 *by the State Board.*

13 11. The teacher must receive a copy of each evaluation not later than
14 15 days after the evaluation. A copy of the evaluation and the teacher's
15 response must be permanently attached to the teacher's personnel file.
16 Upon the request of a teacher, a reasonable effort must be made to assist
17 the teacher to improve his or her performance based upon the
18 recommendations reported in the evaluation of the teacher.

19 **Sec. 25. (Deleted by amendment.)**

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

21 391.3129 A postprobationary employee who receives an evaluation
22 designating his or her overall performance as:

23 1. ~~If evaluated pursuant to NRS 391.3125 or 391.3127, as applicable:~~

24 ~~(a) Minimally effective; for~~

25 ~~(b) 2. Ineffective; or~~

26 ~~(c) 3. Minimally effective during 1 year of the 2-year consecutive~~
27 ~~period and ineffective during the other year of the period; or~~

28 ~~2. If evaluated pursuant to any other system of evaluation, any~~
29 ~~designation which indicates that the overall performance of the employee~~
30 ~~is below average;~~

31 ~~for 2 consecutive school years upon the issuance of the evaluation,~~
32 shall be deemed to be a probationary employee for the purposes of NRS
33 391.311 to 391.3197, inclusive, and must serve an additional probationary
34 period in accordance with the provisions of NRS 391.3197.

35 **Sec. 27. (Deleted by amendment.)**

36 **Sec. 28. (Deleted by amendment.)**

37 **Sec. 29. (Deleted by amendment.)**

38 **Sec. 29.3. NRS 288.150 is hereby amended to read as follows:**

39 288.150 1. Except as provided in subsection 4, every local
40 government employer shall negotiate in good faith through one or more
41 representatives of its own choosing concerning the mandatory subjects of
42 bargaining set forth in subsection 2 with the designated representatives of
43 the recognized employee organization, if any, for each appropriate
44 bargaining unit among its employees. If either party so requests,
45 agreements reached must be reduced to writing.

- 1 2. The scope of mandatory bargaining is limited to:
2 (a) Salary or wage rates or other forms of direct monetary
3 compensation.
4 (b) Sick leave.
5 (c) Vacation leave.
6 (d) Holidays.
7 (e) Other paid or nonpaid leaves of absence.
8 (f) Insurance benefits.
9 (g) Total hours of work required of an employee on each workday or
10 workweek.
11 (h) Total number of days' work required of an employee in a work
12 year.
13 (i) Discharge and disciplinary procedures.
14 (j) Recognition clause.
15 (k) The method used to classify employees in the bargaining unit.
16 (l) Deduction of dues for the recognized employee organization.
17 (m) Protection of employees in the bargaining unit from discrimination
18 because of participation in recognized employee organizations consistent
19 with the provisions of this chapter.
20 (n) No-strike provisions consistent with the provisions of this chapter.
21 (o) Grievance and arbitration procedures for resolution of disputes
22 relating to interpretation or application of collective bargaining
23 agreements.
24 (p) General savings clauses.
25 (q) Duration of collective bargaining agreements.
26 (r) Safety of the employee.
27 (s) Teacher preparation time.
28 (t) Materials and supplies for classrooms.
29 (u) ~~The~~ *Except as otherwise provided in subsection 6, the* policies
30 for the transfer and reassignment of teachers.
31 (v) Procedures for reduction in workforce consistent with the
32 provisions of this chapter.
33 (w) Procedures and requirements for the reopening of collective
34 bargaining agreements that exceed 1 year in duration for additional,
35 further, new or supplementary negotiations during periods of fiscal
36 emergency. The requirements for the reopening of a collective bargaining
37 agreement must include, without limitation, measures of revenue shortfalls
38 or reductions relative to economic indicators such as the Consumer Price
39 Index, as agreed upon by both parties.
40 3. Those subject matters which are not within the scope of mandatory
41 bargaining and which are reserved to the local government employer
42 without negotiation include:
43 (a) Except as otherwise provided in paragraph (u) of subsection 2, the
44 right to hire, direct, assign or transfer an employee, but excluding the right
45 to assign or transfer an employee as a form of discipline.

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

3 (c) The right to determine:

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

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

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

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

11 (d) Safety of the public.

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

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

25 6. The board of trustees of a school district in which a school is
26 designated as underperforming pursuant to section 4.2 of this act or the
27 principal of such a school, as applicable, may take any action authorized
28 pursuant to section 4.2, including, without limitation, reassigning any
29 member of the staff of such a school or reassigning any member of the
30 staff of another public school to a such a school. Any provision of any
31 agreement negotiated pursuant to this chapter which provides otherwise
32 or imposes consequences on the board of trustees of a school district or
33 the principal of a school for taking such action is unenforceable and
34 void.

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

40 ~~7.8.~~ 8. Contract provisions presently existing in signed and ratified
41 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

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

43 288.151 ~~##~~ Notwithstanding the provisions of any collective
44 bargaining agreement or contract of employment to the contrary:

45 1. Except as otherwise provided in ~~subsection~~ subsections 2 ~~##~~ to

1 **5, inclusive, if** the board of trustees of a school district determines that a
 2 reduction in the existing workforce of the licensed educational personnel in
 3 the school district is necessary, the decision to lay off a teacher or an
 4 administrator must ~~not~~ be based solely on ~~the seniority of the teacher or~~
 5 ~~administrator and may include, without limitation, a consideration of~~
 6 overall performance of the teacher or administrator under the statewide
 7 performance evaluation system established pursuant to NRS 391.465.
 8 When determining the manner in which to reduce the existing
 9 workforce, the board of trustees of a school district shall lay off a teacher
 10 or administrator whose overall performance has been determined to be
 11 ineffective or minimally effective before laying off a teacher or
 12 administrator whose overall performance has been determined to be
 13 effective or highly effective.

14 2. Except as otherwise provided in subsection 5, if the board of
 15 trustees of a school district determines that a further reduction in the
 16 existing workforce of the licensed educational personnel in a school
 17 district beyond that made pursuant to subsection 1 is necessary, the
 18 district shall lay off a teacher or administrator whose employment record
 19 includes a criminal record or disciplinary action that resulted in the
 20 suspension of the teacher or administrator before laying off a teacher or
 21 administrator whose employment record does not include such a record
 22 or disciplinary action. The board of trustees of a school district shall lay
 23 off teachers or administrators whose employment records include
 24 disciplinary actions in order of severity of the disciplinary action, with
 25 those employees whose employment record includes more severe
 26 disciplinary action being laid off first.

27 3. Except as otherwise provided in subsection 5, if the board of
 28 trustees of a school district determines that a further reduction in the
 29 existing workforce of licensed educational personnel beyond that made
 30 pursuant to subsection 2 is necessary, the decision to lay off a teacher or
 31 administrator must be based on the following factors:

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

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

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

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

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

40 ~~6. (f)~~

41 (d) The type of licensure held by the teacher or administrator; and

42 ~~7. (g)~~

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

45 ~~2. 4.~~ 4. If, after consideration of the factors described in ~~subsection~~

1 subsections 1, 2 and 3, two or more teachers or administrators are
2 similarly situated, the board of trustees of the school district may give
3 preference to the more senior teacher or administrator.

4 5. The board of trustees of a school district is not required to follow
5 subsections 1, 2 and 3 with regard to a teacher who teaches in a school
6 in the district in a subject area for which there is a shortage of teachers,
7 which may include, without limitation, science, technology, engineering,
8 mathematics, special education and English as a second language.

9 **Sec. 31.** The amendatory provisions of this act:

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

14 ~~2.~~ Insofar as they conflict with the provisions of such a contract, do
15 not apply to any contract of employment entered into before July 1, 2015,
16 and in effect on that date, but do apply to any extension or renewal of such
17 a contract and to any contract of employment entered into on or after July
18 1, 2015.

19 ~~3.~~ 2. Insofar as they conflict with the provisions of such an
20 agreement, do not apply during the current term of any collective
21 bargaining agreement entered into before July 1, 2015, and in effect on that
22 date, but do apply to any extension or renewal of such an agreement and to
23 any such agreement entered into on or after July 1, 2015.

24 **Sec. 32.** (Deleted by amendment.)

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

H