

MOCK-UP

PROPOSED AMENDMENT 7696 TO
SENATE BILL NO. 92

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

- 1 Sec. 8. ~~(Deleted by amendment.)~~
- 2 Sec. 9. ~~(Deleted by amendment.)~~
- 3 Sec. 10. ~~(Deleted by amendment.)~~
- 4 Sec. 11. ~~(Deleted by amendment.)~~
- 5 Sec. 12. ~~(Deleted by amendment.)~~
- 6 Sec. 13. ~~(Deleted by amendment.)~~
- 7 Sec. 14. ~~(Deleted by amendment.)~~
- 8 Sec. 15. ~~(Deleted by amendment.)~~
- 9 Sec. 16. ~~(Deleted by amendment.)~~
- 10 Sec. 17. ~~(Deleted by amendment.)~~
- 11 Sec. 18. ~~(Deleted by amendment.)~~
- 12 Sec. 19. ~~(Deleted by amendment.)~~

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

14 391.100 1. The board of trustees of a school district may employ a
 15 superintendent of schools, teachers and all other necessary employees.

16 2. A person who is initially hired by the board of trustees of a school
 17 district on or after January 8, 2002, to teach in a program supported with
 18 money from Title I must possess the qualifications required by 20 U.S.C. §
 19 6319(a). For the purposes of this subsection, a person is not “initially
 20 hired” if he or she has been employed as a teacher by another school
 21 district or charter school in this State without an interruption in
 22 employment before the date of hire by the person’s current employer.
 23 ~~The board of trustees of a school district shall employ an assistant~~
 24 ~~principal in each elementary or secondary school in the district. Any~~
 25 ~~vacancy in an assistant principal position in any elementary or~~
 26 ~~secondary school in a school district must be filled before any vacancy in~~
 27 ~~an administrative position at the district level. Any person employed as~~
 28 ~~an assistant principal, including, without limitation, to fill a vacancy,~~
 29 ~~must meet the requirements for licensure for an administrator prescribed~~
 30 ~~by the Commission on Professional Standards in Education pursuant to~~
 31 ~~NRS 391.019 at the time he or she begins his or her employment as an~~
 32 ~~assistant principal.~~

33 3. ~~Notwithstanding the provisions of any collective bargaining~~
 34 ~~agreement or contract of employment to the contrary, a~~ person who is
 35 employed as a ~~teacher or substitute~~ teacher, regardless of the date of
 36 hire, must possess, on or before July 1, 2006, ~~2015,~~ the qualifications
 37 required by 20 U.S.C. § 6319(a) if the person teaches:

- 38 (a) English, reading or language arts;
- 39 (b) Mathematics;
- 40 (c) Science;
- 41 (d) Foreign language;
- 42 (e) Civics or government;
- 43 (f) Economics;
- 44 (g) Geography;
- 45 (h) History; or

1 (i) The arts.

2 4. ~~The~~ Notwithstanding the provisions of any collective bargaining
3 agreement or contract of employment to the contrary, before the board of
4 trustees of a school district may transfer a teacher or administrator who
5 has received an evaluation designating his or her overall performance as
6 minimally effective or ineffective to another school as a result of
7 decreased enrollment, administrative transfer or a reduction in
8 workforce at a public school, the board of trustees of a school district ~~+~~
9 must obtain the consent of the principal of the school to which the
10 teacher or administrator is proposed to be transferred.

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

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

26 (b) Shall establish policies governing the duties and performance of
27 teacher aides.

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

37 ~~5.1~~ 6. Each applicant for employment pursuant to this section, except
38 a teacher or other person licensed by the Superintendent of Public
39 Instruction, must, as a condition to employment, submit to the school
40 district a full set of the applicant's fingerprints and written permission
41 authorizing the school district to forward the fingerprints to the Central
42 Repository for Nevada Records of Criminal History for its report on the
43 criminal history of the applicant and for submission to the Federal Bureau
44 of Investigation for its report on the criminal history of the applicant.

45 ~~6.1~~ 7. Except as otherwise provided in subsection ~~7.1~~ 8, the board of

1 trustees of a school district shall not require a licensed teacher or other
2 person licensed by the Superintendent of Public Instruction pursuant to
3 NRS 391.033 who has taken a leave of absence from employment
4 authorized by the school district, including, without limitation:

- 5 (a) Sick leave;
- 6 (b) Sabbatical leave;
- 7 (c) Personal leave;
- 8 (d) Leave for attendance at a regular or special session of the
9 Legislature of this State if the employee is a member thereof;
- 10 (e) Maternity leave; and
- 11 (f) Leave permitted by the Family and Medical Leave Act of 1993, 29
12 U.S.C. §§ 2601 et seq.,

13 ↪ to submit a set of his or her fingerprints as a condition of return to or
14 continued employment with the school district if the employee is in good
15 standing when the employee began the leave.

16 ~~7~~ 8. A board of trustees of a school district may ask the
17 Superintendent of Public Instruction to require a person licensed by the
18 Superintendent of Public Instruction pursuant to NRS 391.033 who has
19 taken a leave of absence from employment authorized by the school
20 district to submit a set of his or her fingerprints as a condition of return to
21 or continued employment with the school district if the board of trustees
22 has probable cause to believe that the person has committed a felony or an
23 offense involving moral turpitude during the period of his or her leave of
24 absence.

25 ~~8~~ 9. The board of trustees of a school district may employ or
26 appoint persons to serve as school police officers. If the board of trustees
27 of a school district employs or appoints persons to serve as school police
28 officers, the board of trustees shall employ a law enforcement officer to
29 serve as the chief of school police who is supervised by the superintendent
30 of schools of the school district. The chief of school police shall supervise
31 each person appointed or employed by the board of trustees as a school
32 police officer. In addition, persons who provide police services pursuant to
33 subsection ~~9~~ 10 or ~~10~~ 11 shall be deemed school police officers.

34 ~~9~~ 10. The board of trustees of a school district in a county that has a
35 metropolitan police department created pursuant to chapter 280 of NRS
36 may contract with the metropolitan police department for the provision and
37 supervision of police services in the public schools within the jurisdiction
38 of the metropolitan police department and on property therein that is
39 owned by the school district. If a contract is entered into pursuant to this
40 subsection, the contract must make provision for the transfer of each
41 school police officer employed by the board of trustees to the metropolitan
42 police department. If the board of trustees of a school district contracts
43 with a metropolitan police department pursuant to this subsection, the
44 board of trustees shall, if applicable, cooperate with appropriate local law
45 enforcement agencies within the school district for the provision and

1 supervision of police services in the public schools within the school
2 district and on property owned by the school district, but outside the
3 jurisdiction of the metropolitan police department.

4 ~~10~~ 11. The board of trustees of a school district in a county that
5 does not have a metropolitan police department created pursuant to chapter
6 280 of NRS may contract with the sheriff of that county for the provision
7 of police services in the public schools within the school district and on
8 property therein that is owned by the school district.

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

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

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

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

13 391.3125 1. It is the intent of the Legislature that a uniform system
14 be developed for objective evaluation of teachers and other licensed
15 personnel in each school district.

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

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

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

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

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

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

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

- 12 (a) Employed by the school district or, if the school district has five or
13 fewer administrators, employed by another school district in this State; and
14 (b) Selected by the postprobationary teacher from a list of three
15 candidates submitted by the superintendent.

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

- 20 (a) The first scheduled observation must occur within 80 days after the
21 first day of instruction of the school year; and
22 (b) The second scheduled observation must occur after 80 days but
23 within 120 days after the first day of instruction of the school year.

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

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

- 34 (a) An evaluation of the instructional practice of the teacher in the
35 classroom;
36 (b) An evaluation of the professional responsibilities of the teacher to
37 support learning and promote the effectiveness of the school community;
38 (c) Except as otherwise provided in subsection 9. ~~8.~~ an evaluation of
39 the performance of pupils enrolled in the school;
40 (d) An evaluation of whether the teacher employs practices and
41 strategies to involve and engage the parents and families of pupils in the
42 classroom;
43 (e) Recommendations for improvements in the performance of the
44 teacher;
45 (f) A description of the action that will be taken to assist the teacher in

1 the areas of instructional practice, professional responsibilities and the
2 performance of pupils; and

3 (g) A statement by the administrator who evaluated the teacher
4 indicating the amount of time that the administrator personally observed
5 the performance of the teacher in the classroom.

6 ~~9. ~~18.7~~~~ The evaluation of a probationary teacher in his or her initial
7 year of employment as a probationary teacher must not include an
8 evaluation of the performance of pupils enrolled in the school. This
9 subsection does not apply to a postprobationary employee who is deemed
10 to be a probationary employee pursuant to NRS 391.3129.

11 ~~10. ~~19.7~~~~ The evaluation of a teacher or administrator at a school
12 designated as underperforming pursuant to section 4.2 of this act must
13 not be adversely affected by pupil achievement data during the first or
14 second year after the school has been designated as underperforming.

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

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

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

23 391.3129 A postprobationary employee who receives an evaluation
24 designating his or her overall performance as:

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

26 ~~—(a) Minimally effective; ~~for~~~~

27 ~~—(b) 2. Ineffective; or~~

28 ~~—(c) 3. Minimally effective during 1 year of the 2-year consecutive~~
29 ~~period and ineffective during the other year of the period; ~~for~~~~

30 ~~—(d) 2. If evaluated pursuant to any other system of evaluation, any~~
31 ~~designation which indicates that the overall performance of the employee~~
32 ~~is below average;~~

33 ~~—(e) for 2 consecutive school years ~~upon the issuance of the evaluation,~~~~
34 shall be deemed to be a probationary employee for the purposes of NRS
35 391.311 to 391.3197, inclusive, and must serve an additional probationary
36 period in accordance with the provisions of NRS 391.3197.

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

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

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

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

41 288.150 1. Except as provided in subsection 4, every local
42 government employer shall negotiate in good faith through one or more
43 representatives of its own choosing concerning the mandatory subjects of
44 bargaining set forth in subsection 2 with the designated representatives of
45 the recognized employee organization, if any, for each appropriate

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

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

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

5 (c) The right to determine:

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

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

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

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

13 (d) Safety of the public.

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

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

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

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

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

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

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

45 ~~7~~ 9. Contract provisions presently existing in signed and ratified

1 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

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

3 288.151 ~~HH~~ Notwithstanding the provisions of any collective
4 bargaining agreement or contract of employment to the contrary:

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

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

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

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

24 2. Except as otherwise provided in subsection 5, if the board of
25 trustees of a school district determines that a further reduction in the
26 existing workforce of the licensed educational personnel in a school
27 district beyond that made pursuant to subsection 1 is necessary, the
28 district shall lay off a teacher or administrator whose employment record
29 includes a criminal record or disciplinary action that resulted in the
30 suspension of the teacher or administrator before laying off a teacher or
31 administrator whose employment record does not include such a record
32 or disciplinary action. The board of trustees of a school district shall lay
33 off teachers or administrators whose employment records include
34 disciplinary actions that resulted in the suspension of the teacher or
35 administrator in order of severity of the disciplinary action, with those
36 employees whose employment record includes more severe disciplinary
37 action being laid off first.

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

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

45 ~~H2~~ (b) Whether the teacher or administrator has received a national

1 board certification;

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

3 ~~4. (d) The disciplinary record of the teacher or administrator within~~

4 ~~the school district;~~

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

6 ~~6. (f)~~

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

8 ~~7. (g)~~

9 (e) The type of degree attained by the teacher or administrator and

10 whether the degree is in a subject area that is related to his or her position.

11 ~~7. 4. If, after consideration of the factors described in subsection~~

12 subsections 1, 2 and 3, two or more teachers or administrators are

13 similarly situated, the board of trustees of the school district may give

14 preference to the more senior teacher or administrator.

15 5. The board of trustees of a school district is not required to follow

16 subsections 1, 2 and 3 with regard to a teacher who teaches in a school

17 in the district in a subject area for which there is a shortage of teachers,

18 which may include, without limitation, science, technology, engineering,

19 mathematics, special education and English as a second language.

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

21 1. ~~Do not affect the validity of any conditional, provisional or special~~

22 ~~qualifications license issued before July 1, 2015, and in effect on that date.~~

23 ~~Such a license remains valid and effective for all purposes until the date on~~

24 ~~which it otherwise expires.~~

25 ~~2.~~ Insofar as they conflict with the provisions of such a contract, do

26 not apply to any contract of employment entered into before July 1, 2015,

27 and in effect on that date, but do apply to any extension or renewal of such

28 a contract and to any contract of employment entered into on or after July

29 1, 2015.

30 ~~3. 2.~~ Insofar as they conflict with the provisions of such an

31 agreement, do not apply during the current term of any collective

32 bargaining agreement entered into before July 1, 2015, and in effect on that

33 date, but do apply to any extension or renewal of such an agreement and to

34 any such agreement entered into on or after July 1, 2015.

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

36 **Sec. 32.5. 1. During the 2015-2017 biennium, the**

37 **Legislative Counsel shall cause the provisions of title 34 of NRS**

38 **to be reorganized to improve the orderly and logical**

39 **arrangement of the provisions of that title so that they are easier**

40 **to use and understand. In doing so, the Legislative Counsel may**

41 **make any necessary conforming changes to carry out the laws,**

1 remove any unnecessary or duplicative provisions from existing
2 law and exercise any other powers conferred by NRS 220.120.
3 2. During the 2017 Legislative Session, the Legislative
4 Counsel shall present a bill to the Legislature which includes any
5 provisions of title 34 of NRS that are revised during the
6 reorganization of title 34 of NRS which the Legislative Counsel
7 determines appropriate for ratification by Legislature.

8
9 **Sec. 33.** This act becomes effective on July 1, 2015.

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