

Amendment No. 934

Assembly Amendment to Senate Bill No. 463 Second Reprint (BDR 34-411)
Proposed by: Assembly Committee on Education
Amendment Box: Replaces Amendment No. 833.
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 463 R2 (§ 8).

| ASSEMBLY ACTION | | | Initial and Date | | SENATE ACTION | | | Initial and Date |
|-----------------|--------------------------|------|--------------------------|--|---------------|--------------------------|------|--------------------------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> |

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.

KRO/RBL



Date: 5/21/2015

S.B. No. 463—Revises provisions relating to education. (BDR 34-411)



SENATE BILL NO. 463—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to education. (BDR 34-411)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 8)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to education; requiring certain providers of electronic applications used for educational purposes to provide written disclosures concerning personally identifiable information that is collected; requiring such a provider to allow certain persons to review and correct personally identifiable information about a pupil maintained by the provider; limiting the circumstances under which such a provider may collect, use, allow access to or transfer personally identifiable information concerning a pupil; requiring such a provider to establish and carry out a detailed plan for the security of data concerning pupils; requiring teachers and other licensed personnel employed by a school district or charter school to complete certain professional development; requiring certain disciplinary action against a teacher or administrator for willful breaches in security or confidentiality of certain examinations; providing a civil penalty for certain violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 1.25 of this bill declares that: (1) the educational records of a pupil, including the personally identifiable information contained in such records, belong to the pupil and his or her parent or legal guardians; and (2) it is the public policy of this State to protect such records and information; and (3) the provisions of this bill are intended to provide greater protection over such records and information.~~

Section 5 of this bill requires a school service provider to provide to the board of trustees of a school district or the governing body of a school, as applicable, and a teacher who uses a school service, a written disclosure of: (1) the types of personally identifiable information collected by the school service provider; (2) the manner in which such information is used; (3) a description of the plan for security of data concerning pupils which has been established by the school service provider; and (4) any material change to such a plan. **Section 3** of this bill defines the term “school service” to mean , with certain exceptions, an Internet website, online service or mobile application that: (1) collects or maintains personally identifiable

1
2
3
4
5
6
7
8
9
10
11
12
13

14 information concerning a pupil; (2) is used primarily for educational purposes; (3) is designed
 15 and marketed for use in public schools; and (4) is used at the direction of teachers and other
 16 educational personnel. **Section 5** requires a school service provider to: (1) allow certain pupils
 17 or the parent or guardian of a pupil to review personally identifiable information about the
 18 pupil maintained by the school service provider; and (2) establish a process for making any
 19 corrections to such information.

20 **Section 6** of this bill limits the circumstances under which a school service provider may
 21 collect, use, allow access to or transfer personally identifiable information concerning a pupil.
 22 **Section 6** requires a school service provider to delete personally identifiable information
 23 concerning a pupil at the request of the board of trustees of the school district or the governing
 24 body of the school, as applicable. **Section 6** requires any agreement entered into by a school
 25 service provider that provides for the disclosure of personally identifiable information to limit
 26 the circumstances under which the person or governmental entity to whom the information is
 27 disclosed may collect, use or transfer such information to circumstances authorized by law.
 28 **Section 6** also subjects any school service provider that violates these requirements to a civil
 29 penalty.

30 **Section 7** of this bill requires a school service provider to establish and carry out a
 31 detailed plan for the security of any data concerning pupils that is collected or maintained by
 32 the school service provider. **Section 8** of this bill requires each school district and the
 33 governing body of a charter school or university school for profoundly gifted pupils, as
 34 applicable, to annually provide professional development regarding the use of school service
 35 providers and the security of data concerning pupils. **Section 8** also requires teachers and
 36 other licensed personnel employed by a school district or charter school to annually complete
 37 professional development regarding school service providers and the security of data
 38 concerning pupils.

39 **Section 8.3** of this bill authorizes a school service provider to use and disclose
 40 information derived from personally identifiable information to demonstrate the effectiveness
 41 of the products or services of the school service provider. **Section 8.5** of this bill prohibits a
 42 person or governmental entity from waiving or modifying any right, obligation or liability
 43 provided by the provisions of **sections 1.5-8.5**. **Section 8.5** also provides that any condition,
 44 stipulation, or provision in a contract that conflicts with the provisions of **sections 1.5-8.5** is
 45 void and unenforceable.

46 Existing law authorizes a teacher to be suspended, dismissed or not reemployed and an
 47 administrator to be demoted, suspended, dismissed or not reemployed for breaches in security
 48 or confidentiality of the questions and answers of certain examinations. (NRS 391.3127)
 49 **Section 9** of this bill instead requires a teacher to be suspended, dismissed or not reemployed
 50 and an administrator to be demoted, suspended, dismissed or not reemployed ~~for such~~
 51 ~~breaches.~~ if the teacher or administrator is found, through an investigation of a testing
 52 irregularity, to have willfully committed such a breach.

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

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding thereto the
 2 provisions set forth as sections 1.25 to 8.5, inclusive, of this act.

3 **Sec. 1.25.** ~~The Legislature hereby finds and declares that:~~
 4 ~~1. The educational records of a pupil, including, without limitation, the~~
 5 ~~personally identifiable information of the pupil, belong to the pupil and his or her~~
 6 ~~parent or legal guardian;~~
 7 ~~2. It is the public policy of this State to protect such records and~~
 8 ~~information;~~
 9 ~~3. The provisions of sections 1.5 to 8.5, inclusive, of this act are intended to:~~
 10 ~~(a) Provide greater protection of such records and information;~~
 11 ~~(b) Limit and restrict the collection, transfer and maintenance of such~~
 12 ~~information;~~

~~(c) Provide greater control of such information to pupils and their parents or guardians;~~

~~(d) Provide notification to persons and governmental entities regarding the types of personally identifiable information collected and how such information is kept secure;~~

~~(e) Establish a process for the correction or deletion of any personally identifiable information collected by a school service provider;~~

~~(f) Prohibit a school service provider from using personally identifiable information to target advertising to minors; and~~

~~(g) Ensure that teachers and other licensed educational personnel understand how to use school services in a manner that protects personally identifiable information concerning pupils.] (Deleted by amendment.)~~

Sec. 1.5. As used in sections 1.25 to 8.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 4.5, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2. "Personally identifiable information" has the meaning ascribed to it in 34 C.F.R. § 99.3.

Sec. 3. 1. "School service" means an Internet website, online service or mobile application that:

(a) Collects or maintains personally identifiable information concerning a pupil;

(b) Is used primarily for educational purposes; and

(c) Is designed and marketed for use in public schools and is used at the direction of teachers and other educational personnel.

2. The term does not include ~~that~~ :

(a) An Internet website, online service or mobile application that is designed or marketed for use by a general audience, even if the school service is also marketed to public schools ~~that~~ ;

(b) An internal database, system or program maintained or operated by a school district, charter school or university school for profoundly gifted pupils;

(c) A school service for which a school service provider has:

(1) Been designated by a school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department as a school official pursuant to the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232(g);

(2) Entered into a contract with the school district, the sponsor of a charter school, the governing body of a university school for profoundly gifted pupils or the Department; and

(3) Agreed to comply with and be subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232(g), relating to personally identifiable information;

(d) Any examinations administered pursuant to NRS 389.550 and 389.805 or the college and career readiness assessment administered pursuant to NRS 389.807; or

(e) Any instructional programs purchased by a school district, a charter school, the governing body of a university school for profoundly gifted pupils or the Department.

Sec. 4. "School service provider" means a person that operates a school service, to the extent the provider is operating in that capacity.

Sec. 4.5. "Targeted advertising" means presenting advertisements to a pupil where the advertisement is selected based on information obtained or inferred from the online behavior of a pupil, the use of applications by a pupil or personally identifiable information concerning a pupil. The term does not include

1 advertising to a pupil at an online location based upon the current visit to the
2 location by the pupil or a single search query without the collection and retention
3 of the online activities of a pupil over time.

4 **Sec. 5.** 1. Before the persons or governmental entities described in
5 subsection 3 begin using a school service, a school service provider must provide
6 a written disclosure to such persons or governmental entities in language that is
7 easy to understand, which includes, without limitation:

8 (a) The types of personally identifiable information collected by the school
9 service provider and the manner in which such information is used; and

10 (b) A description of the plan for the security of data concerning pupils which
11 has been established by the school service provider pursuant to section 7 of this
12 act.

13 2. Before a school service provider makes a material change to the plan for
14 the security of data concerning pupils established pursuant to section 7 of this
15 act, the school service provider must provide notice to the persons or
16 governmental entities set forth in subsection 3.

17 3. The disclosure or notice provided pursuant to subsection 1 or 2, as
18 applicable, must be provided to:

19 (a) The board of trustees of a school district, the governing body of a charter
20 school or the governing body of a university school for profoundly gifted pupils,
21 as applicable, that uses the school service of the school service provider; and

22 (b) Any teacher who uses the school service.

23 4. A school service provider shall:

24 (a) Allow a pupil who is at least ~~13~~ 18 years of age and the parent or legal
25 guardian of any pupil to review personally identifiable information concerning
26 the pupil that is maintained by the school service provider; and

27 (b) Establish a process, in accordance with any contract governing the
28 activities of a school service provider and which is consistent with the provisions
29 of sections 1.5 to 8.5, inclusive, of this act, for the correction of such information
30 upon the request of:

31 (1) A pupil who is at least ~~13~~ 18 years of age or the parent or legal
32 guardian of any pupil; or

33 (2) The teacher of the pupil or the board of trustees of the school district
34 in which the school that the pupil attends is located, the governing body of the
35 charter school that the pupil attends or the governing body of the university
36 school for profoundly gifted pupils that the pupil attends, as applicable.

37 **Sec. 6.** 1. Except as otherwise provided in ~~subsection~~ subsections 2 ~~4~~
38 and 5, a school service provider may collect, use, allow access to or transfer
39 personally identifiable information concerning a pupil only:

40 (a) For purposes inherent to the use of a school service by a teacher in a
41 classroom or for the purposes authorized by the board of trustees of the school
42 district in which the school that the pupil attends is located, the governing body of
43 the charter school that the pupil attends or the governing body of the university
44 school for profoundly gifted pupils that the pupil attends, as applicable, so long
45 as it is authorized by federal and state law;

46 (b) If required by federal or state law;

47 (c) In response to a subpoena issued by a court of competent jurisdiction;

48 (d) To protect the safety of a user of the school service; or

49 (e) With the consent of any person required in a policy of the school district,
50 charter school or university school for profoundly gifted pupils, as applicable, or,
51 if none, with the consent of the pupil, if the pupil is at least ~~13~~ 18 years of age,
52 or the parent or legal guardian of the pupil ~~if the parent or legal guardian has~~

1 ~~requested to provide consent before any such action is taken or~~ if the pupil is less
2 than ~~13~~ 18 years of age.

3 2. A school service provider may transfer personally identifiable
4 information concerning a pupil to a third-party service provider if the school
5 service provider provides notice to ~~the appropriate~~ any person described
6 designated in paragraph (c) of subsection 1 a policy of the school district,
7 charter school or university school for profoundly gifted pupils, as applicable, to
8 receive such notice or, if none, to the pupil, if the pupil is at least 18 years of age,
9 or the parent or guardian of the pupil and:

10 (a) ~~Contractually prohibits the third-party service provider from using any~~
11 ~~such information for any purpose other than providing the contracted school~~
12 ~~services to, or on behalf of, the school service provider;~~

13 (b) ~~Prohibits the third-party service provider from disclosing any personally~~
14 ~~identifiable information concerning a pupil unless the disclosure is authorized~~
15 ~~pursuant to subsection 1; and~~

16 (c) ~~Requires the third-party service provider to comply with the requirements~~
17 ~~of sections 1.5 to 8.5, inclusive, of this act.~~

18 3. A school service provider shall delete any personally identifiable
19 information concerning a pupil that is collected or maintained by the school
20 service provider and that is under the control of the school service provider
21 within a reasonable time not to exceed 30 days after receiving a request from the
22 board of trustees of the school district in which the school that the pupil attends is
23 located, the governing body of the charter school that the pupil attends or the
24 governing body of the university school for profoundly gifted pupils that the pupil
25 attends, as applicable. The board of trustees or the governing body, as applicable,
26 must have a policy which allows a pupil who is at least 18 years of age or the
27 parent or legal guardian of ~~+~~ any pupil to review such information and request
28 that such information about the pupil be deleted. The school service provider
29 shall delete such information upon the request of the parent or legal guardian of
30 a pupil if no such policy exists.

31 4. Any agreement entered into by a school service provider that provides for
32 the disclosure of personally identifiable information must require that the person
33 or governmental entity to whom the information will be disclosed abide by the
34 requirements imposed pursuant to this section.

35 5. A school service provider shall not:

36 (a) Use personally identifiable information to engage in targeted advertising.

37 (b) Except as otherwise provided in this paragraph, sell personally
38 identifiable information concerning a pupil. A school service provider may
39 ~~provide~~ transfer personally identifiable information concerning pupils to an
40 entity that purchases, merges with or otherwise acquires the school service and
41 the acquiring entity becomes subject to the requirements of sections 1.5 to 8.5,
42 inclusive, of this act ~~+~~ and any contractual provisions between the school service
43 provider and the board of trustees of a school district, the governing body of a
44 charter school or the governing body of a university school for profoundly gifted
45 pupils, as applicable, governing such information.

46 (c) Use personally identifiable information concerning a pupil to create a
47 profile of the pupil for any purpose not related to the instruction of the pupil
48 provided by the school without the consent of the appropriate person described in
49 paragraph (e) of subsection 1. ~~For the purposes of this paragraph, "creating a~~
50 ~~profile" does not include collecting or retaining account registration records or~~
51 ~~information that remains under the control of the pupil if he or she is at least 13~~
52 ~~years of age, the parent or legal guardian of any pupil, the teacher of the pupil or~~
53 ~~the board of trustees of the school district in which the school that the pupil~~

1 ~~attends is located, the governing body of the charter school that the pupil attends~~
2 ~~or the governing body of the university school for profoundly gifted pupils that~~
3 ~~the pupil attends, as applicable.]~~

4 (d) Use personally identifiable information concerning a pupil in a manner
5 that is inconsistent with any contract governing the activities of the school service
6 provider for the school service in effect at the time the information is collected or
7 in a manner that violates any of the provisions of sections 1.5 to 8.5, inclusive, of
8 this act.

9 (e) Knowingly retain, without the consent of the appropriate person
10 described in paragraph (e) of subsection 1, personally identifiable information
11 concerning a pupil beyond the period authorized by the contract governing the
12 activities of the school service provider.

13 6. This section does not prohibit the use of personally identifiable
14 information concerning a pupil that is collected or maintained by a school service
15 provider for the purposes of:

16 (a) Adaptive learning or providing personalized or customized education;

17 (b) Maintaining or improving the school service;

18 (c) Recommending additional content or services within a school service;

19 (d) Responding to a request for information by a pupil;

20 (e) Soliciting feedback regarding a school service; or

21 (f) Allowing a pupil who is at least ~~17~~ 18 years of age or the parent or legal
22 guardian of any pupil to download, transfer, or otherwise maintain data
23 concerning a pupil.

24 7. A school service provider that violates the provisions of this section is
25 subject to a civil penalty in an amount not to exceed \$5,000 per violation. The
26 Attorney General may recover the penalty in a civil action brought in the name of
27 the State of Nevada in any court of competent jurisdiction.

28 Sec. 7. 1. A school service provider shall establish and carry out a
29 detailed plan for the security of any data concerning pupils that is collected or
30 maintained by the school service provider. The plan must include, without
31 limitation:

32 (a) Procedures for protecting the security, privacy, confidentiality and
33 integrity of personally identifiable information concerning a pupil; and

34 (b) Appropriate administrative, technological and physical safeguards to
35 ensure the security of data concerning pupils.

36 2. A school service provider shall ensure that any successor entity
37 understands that it is subject to the provisions of sections 1.5 to 8.5, inclusive, of
38 this act and agrees to abide by all privacy and security commitments related to
39 personally identifiable information concerning a pupil collected and maintained
40 by the school service provider before allowing a successor entity to access such
41 personally identifiable information.

42 Sec. 8. 1. Each school district and the governing body of a charter school
43 or a university school for profoundly gifted pupils, as applicable, shall annually
44 provide professional development regarding the use of school service providers
45 and the security of data concerning pupils.

46 2. Teachers and other licensed educational personnel employed by a school
47 district, charter school or university school for profoundly gifted pupils shall
48 complete the professional development provided pursuant to subsection 1.

49 Sec. 8.3. A school service provider may use and disclose information
50 derived from personally identifiable information concerning a pupil to
51 demonstrate the effectiveness of the products or services of the school service
52 provider, including, without limitation, for use in advertising or marketing
53 regarding the school service so long as the information is aggregated or is

1 *presented in a manner which does not disclose the identity of the pupil about*
2 *whom the information relates.*

3 **Sec. 8.5.** *A person or governmental entity may not waive or modify any*
4 *right, obligation or liability set forth in sections 1.5 to 8.5, inclusive, of this act.*
5 *Any condition, stipulation or provision in a contract which seeks to do so or*
6 *which in any way conflicts with the provisions of sections 1.5 to 8.5, inclusive, of*
7 *this act is against public policy and is void and unenforceable.*

8 **Sec. 9.** NRS 391.31297 is hereby amended to read as follows:

9 391.31297 1. A teacher may be suspended, dismissed or not reemployed
10 and an administrator may be demoted, suspended, dismissed or not reemployed for
11 the following reasons:

- 12 (a) Inefficiency;
- 13 (b) Immorality;
- 14 (c) Unprofessional conduct;
- 15 (d) Insubordination;
- 16 (e) Neglect of duty;
- 17 (f) Physical or mental incapacity;
- 18 (g) A justifiable decrease in the number of positions due to decreased
19 enrollment or district reorganization;
- 20 (h) Conviction of a felony or of a crime involving moral turpitude;
- 21 (i) Inadequate performance;
- 22 (j) Evident unfitness for service;
- 23 (k) Failure to comply with such reasonable requirements as a board may
24 prescribe;
- 25 (l) Failure to show normal improvement and evidence of professional training
26 and growth;
- 27 (m) Advocating overthrow of the Government of the United States or of the
28 State of Nevada by force, violence or other unlawful means, or the advocating or
29 teaching of communism with the intent to indoctrinate pupils to subscribe to
30 communistic philosophy;
- 31 (n) Any cause which constitutes grounds for the revocation of a teacher's
32 license;
- 33 (o) Willful neglect or failure to observe and carry out the requirements of this
34 title;

35 (p) Dishonesty;

36 (q) ~~Breaches in the security or confidentiality of the questions and answers of~~
37 ~~the examinations that are administered pursuant to NRS 389.550 or 389.805 and the~~
38 ~~college and career readiness assessment administered pursuant to NRS 389.807.~~

39 ~~—(r)—~~ Intentional failure to observe and carry out the requirements of a plan to
40 ensure the security of examinations and assessments adopted pursuant to NRS
41 389.616 or 389.620;

42 ~~(s)~~ (r) An intentional violation of NRS 388.5265 or 388.527;

43 ~~(t)~~ (s) Gross misconduct; or

44 ~~(u)~~ (t) An intentional failure to report a violation of NRS 388.135 if the
45 teacher or administrator witnessed the violation.

46 2. *If a teacher or administrator ~~breaches~~ is found, through an*
47 *investigation of a testing irregularity, to have willfully breached the security or*
48 *confidentiality of the questions and answers of the examinations that are*
49 *administered pursuant to NRS 389.550 or 389.805 or the college and career*
50 *readiness assessment administered pursuant to NRS 389.807, the board of*
51 *trustees of a school district, governing body of a charter school or governing body*
52 *of a university school for profoundly gifted pupils, as applicable, shall:*

53 (a) *Suspend, dismiss or fail to reemploy the teacher; or*

1 ***(b) Demote, suspend, dismiss or fail to reemploy the administrator.***

2 3. In determining whether the professional performance of a licensed
3 employee is inadequate, consideration must be given to the regular and special
4 evaluation reports prepared in accordance with the policy of the employing school
5 district and to any written standards of performance which may have been adopted
6 by the board.

7 ~~4.~~ 4. As used in this section, "gross misconduct" includes any act or
8 omission that is in wanton, willful, reckless or deliberate disregard of the interests
9 of a school or school district or a pupil thereof.

10 **Sec. 10.** NRS 391.313 is hereby amended to read as follows:

11 391.313 1. Whenever an administrator charged with supervision of a
12 licensed employee believes it is necessary to admonish the employee for a reason
13 that the administrator believes may lead to demotion or dismissal or may cause the
14 employee not to be reemployed under the provisions of NRS 391.31297, the
15 administrator shall:

16 (a) Except as otherwise provided in subsection 3, bring the matter to the
17 attention of the employee involved, in writing, stating the reasons for the
18 admonition and that it may lead to the employee's demotion, dismissal or a refusal
19 to reemploy him or her, and make a reasonable effort to assist the employee to
20 correct whatever appears to be the cause for the employee's potential demotion,
21 dismissal or a potential recommendation not to reemploy him or her; and

22 (b) Except as otherwise provided in NRS 391.314, allow reasonable time for
23 improvement, which must not exceed 3 months for the first admonition.

24 ➤ The admonition must include a description of the deficiencies of the teacher and
25 the action that is necessary to correct those deficiencies.

26 2. An admonition issued to a licensed employee who, within the time granted
27 for improvement, has met the standards set for the employee by the administrator
28 who issued the admonition must be removed from the records of the employee
29 together with all notations and indications of its having been issued. The
30 admonition must be removed from the records of the employee not later than 3
31 years after it is issued.

32 3. An administrator need not admonish an employee pursuant to paragraph (a)
33 of subsection 1 if his or her employment will be terminated pursuant to NRS
34 391.3197.

35 4. A licensed employee is subject to immediate dismissal or a refusal to
36 reemploy according to the procedures provided in NRS 391.311 to 391.3197,
37 inclusive, without the admonition required by this section, on grounds contained in
38 paragraphs (b), (f), (g), (h), (p) and ~~(s)~~ (s) of subsection 1 of NRS 391.31297.

39 **Sec. 11.** NRS 391.3161 is hereby amended to read as follows:

40 391.3161 1. Each request for the appointment of a person to serve as a
41 hearing officer must be submitted to the Superintendent of Public Instruction.

42 2. Within 10 days after receipt of such a request, the Superintendent of Public
43 Instruction shall request that the Hearings Division of the Department of
44 Administration appoint a hearing officer.

45 3. The State Board shall prescribe the procedures for exercising challenges to
46 a hearing officer, including, without limitation, the number of challenges that may
47 be exercised and the time limits in which the challenges must be exercised.

48 4. A hearing officer shall conduct hearings in cases of demotion, dismissal or
49 a refusal to reemploy based on the grounds contained in ~~subsection~~ **subsections 1**
50 **and 2** of NRS 391.31297.

51 5. This section does not preclude the employee and the superintendent from
52 mutually selecting an attorney who is a resident of this State, an arbitrator provided
53 by the American Arbitration Association or a representative of an agency or

1 organization that provides alternative dispute resolution services to serve as a
2 hearing officer to conduct a particular hearing.

3 **Sec. 12.** The provisions of sections 1.5 to 8.5, inclusive, of this act:

4 1. Apply to any agreement entered into, extended or renewed on or after July
5 1, 2015, and any provision of the agreement that is in conflict with ~~that section~~
6 those sections is void.

7 2. Apply on July 1, 2018, to any agreement entered into before July 1, 2015.

8 **Sec. 13.** The provisions of NRS 354.599 do not apply to any additional
9 expenses of a local government that are related to the provisions of this act.

10 **Sec. 14.** This act becomes effective on July 1, 2015.