

SENATE BILL NO. 241—SENATOR ROBERSON

MARCH 10, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to collective bargaining.
(BDR 23-1030)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to collective bargaining; authorizing, under certain circumstances, a local government employer to provide paid leave to an employee for time spent in providing services to an employee organization; revising the definition of “local government employer” to exclude certain courts from the provisions governing collective bargaining; reducing the amount of time within which the Local Government Employee-Management Relations Board must conduct a hearing relating to certain complaints; excluding certain deputy marshals from membership in an employee organization; providing that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; excluding certain school administrators from membership in a bargaining unit for the purposes of collective bargaining; revising various provisions relating to negotiations between a school district and an employee organization representing teachers or educational support personnel; providing that certain principals are employed at will; requiring certain postprobationary school administrators to apply for reappointment to their administrative positions; and providing other matters properly relating thereto.



* S B 2 4 1 R 2 *

Legislative Counsel's Digest:

1 This bill makes various changes relating to collective bargaining. **Section 1** of
2 this bill authorizes, under certain circumstances, a local government employer to
3 provide leave to an employee for time spent by the employee in performing duties
4 or providing services for an employee organization. **Section 1.2** of this bill makes a
5 conforming change.

6 Existing law defines "local government employer" for certain purposes
7 governing relations between governments and public employees and excludes
8 certain persons from membership in an employee organization for negotiation.
9 (NRS 288.060, 288.140) **Section 1.05** of this bill revises the definition of "local
10 government employer" to exclude district courts and justice courts from the
11 provisions of existing law governing collective bargaining. **Section 1.15** of this bill
12 excludes deputy marshals who are appointed or employed by a district court or
13 justice court from membership in an employee organization.

14 Existing law requires the Local Government Employee-Management Relations
15 Board to conduct a hearing within 180 days after deciding to hear a complaint
16 arising out of the interpretation of, or performance under, the provisions of law
17 relating to collective bargaining. (NRS 288.110) **Section 1.1** of this bill reduces that
18 time to not later than 45 days if a complaint alleges that a local government
19 employer or an employee organization has refused to bargain collectively in good
20 faith unless the parties agree to waive the requirement.

21 **Section 1.3** of this bill is directed to "evergreen" language in a collective
22 bargaining agreement, pursuant to which the agreement remains in effect beyond
23 the end of its stated term until a successor agreement becomes effective.
24 Notwithstanding any such provision, **section 1.3** provides that upon the end of the
25 term stated in a collective bargaining agreement, and until a successor agreement
26 becomes effective, a local government employer shall not, with limited exceptions,
27 increase any compensation or monetary benefits paid to or on behalf of employees
28 in the affected bargaining unit.

29 Existing law generally requires a local government employer to engage in
30 collective bargaining with the recognized employee organization, if any, for each
31 bargaining unit among its employees. (NRS 288.150) Existing law also requires
32 employees in certain supervisory and administrative positions, including certain
33 school administrators, to be members of a different bargaining unit from the
34 employees they supervise and entirely excludes certain other employees from
35 membership in a bargaining unit. (NRS 288.140, 288.170) **Section 1.4** of this bill
36 excludes school administrators whose annual salary, adjusted for inflation, is
37 greater than \$120,000 from membership in a bargaining unit, with the result that
38 such administrators may not engage in collective bargaining with their employer.
39 **Sections 2, 3 and 4** of this bill make conforming changes.

40 Existing law requires an employee organization that desires to negotiate to give
41 written notice of that desire to the local government employer. If the subject of
42 negotiation requires the budgeting of money by the local government employer, the
43 notice must be given by the employee organization on or before February 1. (NRS
44 288.180) **Section 1.5** of this bill provides that if an employee organization
45 represents teachers or educational support personnel and desires to negotiate, it
46 must give written notice on or before January 1.

47 If, after four sessions of negotiation between a school district and an employee
48 organization representing teachers and educational support personnel, the parties
49 fail to reach an agreement, existing law provides that either party may submit the
50 issues to an arbitrator. (NRS 288.217) **Section 1.6** of this bill requires that the
51 parties have eight sessions of negotiation before the issues are submitted to an
52 arbitrator. **Section 1.6** also requires the parties to: (1) select an arbitrator not later
53 than 330 days before the end of the term stated in the existing collective bargaining
54 agreement; and (2) schedule a hearing of not less than 3 consecutive business days.



55 Existing law authorizes any controversy concerning a prohibited practice
56 relating to collective bargaining to be submitted to the Local Government
57 Employee-Management Relations Board. (NRS 288.110, 288.280) **Section 1.7** of
58 this bill requires the Board to conduct a hearing not later than 45 days after the
59 Board decides to hear the complaint unless the parties agree to waive the
60 requirement.

61 **Section 1.9** of this bill provides that during the first 3 years of employment by a
62 school district, a principal is employed at-will. **Section 1.9** also provides that if a
63 principal completes the 3-year probationary period, the principal again becomes an
64 at-will employee if, in 2 consecutive school years: (1) the rating of the school to
65 which the principal is assigned pursuant to the statewide system of accountability
66 for public schools is reduced by one or more levels; and (2) fifty percent or more of
67 the teachers assigned to the school request a transfer to another school. **Section 1.9**
68 further provides that such a principal is subject to immediate dismissal by the board
69 of trustees of the school district on recommendation of the superintendent of the
70 school district.

71 **Section 1.95** of this bill provides that a postprobationary administrator, other
72 than an administrator who is excluded from a bargaining unit or a principal, must
73 apply to the superintendent of the school district for reappointment to his or her
74 administrative position every 5 years.

75 **Sections 3.5-4.8** of this bill make changes to conform with **sections 1.9**
76 **and 1.95.**

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

1 **Section 1.** Chapter 288 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A local government employer may agree to provide leave to any*
4 *of its employees for time spent by the employee in performing*
5 *duties or providing services for an employee organization if the*
6 *full cost of such leave is paid or reimbursed by the employee*
7 *organization or is offset by the value of concessions made by the*
8 *employee organization in the negotiation of an agreement with the*
9 *local government employer pursuant to this chapter.*

10 **Sec. 1.05.** NRS 288.060 is hereby amended to read as follows:

11 288.060 “Local government employer” means any political
12 subdivision of this State or any public or quasi-public corporation
13 organized under the laws of this State and includes, without
14 limitation, counties, cities, unincorporated towns, school districts,
15 charter schools, hospital districts, irrigation districts and other
16 special districts. *The term does not include district courts and*
17 *justice courts.*

18 **Sec. 1.1.** NRS 288.110 is hereby amended to read as follows:

19 288.110 1. The Board may make rules governing:

- 20 (a) Proceedings before it;
21 (b) Procedures for fact-finding;
22 (c) The recognition of employee organizations; and



1 (d) The determination of bargaining units.

2 2. The Board may hear and determine any complaint arising
3 out of the interpretation of, or performance under, the provisions of
4 this chapter by any local government employer, local government
5 employee or employee organization. ~~The~~ *Except as otherwise*
6 *provided in this subsection and NRS 288.280, the* Board shall
7 conduct a hearing within 180 days after it decides to hear a
8 complaint. *If a complaint alleges a violation of paragraph (e) of*
9 *subsection 1 of NRS 288.270 or paragraph (b) of subsection 2 of*
10 *that section, the Board shall conduct a hearing not later than 45*
11 *days after it decides to hear the complaint, unless the parties agree*
12 *to waive this requirement.* The Board, after a hearing, if it finds that
13 the complaint is well taken, may order any person to refrain from
14 the action complained of or to restore to the party aggrieved any
15 benefit of which the party has been deprived by that action. The
16 Board shall issue its decision within 120 days after the hearing on
17 the complaint is completed.

18 3. Any party aggrieved by the failure of any person to obey an
19 order of the Board issued pursuant to subsection 2, or the Board at
20 the request of such a party, may apply to a court of competent
21 jurisdiction for a prohibitory or mandatory injunction to enforce the
22 order.

23 4. The Board may not consider any complaint or appeal filed
24 more than 6 months after the occurrence which is the subject of the
25 complaint or appeal.

26 5. The Board may decide without a hearing a contested matter:

27 (a) In which all of the legal issues have been previously decided
28 by the Board, if it adopts its previous decision or decisions as
29 precedent; or

30 (b) Upon agreement of all the parties.

31 6. The Board may award reasonable costs, which may include
32 attorneys' fees, to the prevailing party.

33 **Sec. 1.15.** NRS 288.140 is hereby amended to read as follows:

34 288.140 1. It is the right of every local government
35 employee, subject to the limitations provided in subsections 3 and 4,
36 to join any employee organization of the employee's choice or to
37 refrain from joining any employee organization. A local government
38 employer shall not discriminate in any way among its employees on
39 account of membership or nonmembership in an employee
40 organization.

41 2. The recognition of an employee organization for negotiation,
42 pursuant to this chapter, does not preclude any local government
43 employee who is not a member of that employee organization from
44 acting for himself or herself with respect to any condition of his or
45 her employment, but any action taken on a request or in adjustment



1 of a grievance shall be consistent with the terms of an applicable
2 negotiated agreement, if any.

3 3. A police officer, sheriff, deputy sheriff or other law
4 enforcement officer may be a member of an employee organization
5 only if such employee organization is composed exclusively of law
6 enforcement officers.

7 4. The following persons may not be a member of an employee
8 organization:

9 (a) A supervisory employee described in paragraph (b) of
10 subsection 1 of NRS 288.075, including but not limited to appointed
11 officials and department heads who are primarily responsible for
12 formulating and administering management, policy and programs.

13 (b) A doctor or physician who is employed by a local
14 government employer.

15 (c) *A deputy marshal who is appointed pursuant to NRS 3.310*
16 *or 4.353 or employed in support of a district court or justice court.*

17 (d) Except as otherwise provided in this paragraph, an attorney
18 who is employed by a local government employer and who is
19 assigned to a civil law division, department or agency. The
20 provisions of this paragraph do not apply with respect to an attorney
21 for the duration of a collective bargaining agreement to which the
22 attorney is a party as of July 1, 2011.

23 5. As used in this section, "doctor or physician" means a
24 doctor, physician, homeopathic physician, osteopathic physician,
25 chiropractic physician, practitioner of Oriental medicine, podiatric
26 physician or practitioner of optometry, as those terms are defined or
27 used, respectively, in NRS 630.014, 630A.050, 633.091, chapter
28 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter
29 636 of NRS.

30 **Sec. 1.2.** NRS 288.150 is hereby amended to read as follows:

31 288.150 1. Except as provided in subsection 4, every local
32 government employer shall negotiate in good faith through one or
33 more representatives of its own choosing concerning the mandatory
34 subjects of bargaining set forth in subsection 2 with the designated
35 representatives of the recognized employee organization, if any, for
36 each appropriate bargaining unit among its employees. If either
37 party so requests, agreements reached must be reduced to writing.

38 2. The scope of mandatory bargaining is limited to:

39 (a) Salary or wage rates or other forms of direct monetary
40 compensation.

41 (b) Sick leave.

42 (c) Vacation leave.

43 (d) Holidays.

44 (e) Other paid or nonpaid leaves of absence **H** *consistent with*
45 *the provisions of this chapter.*



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



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

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

5 (3) The quality and quantity of services to be offered to the
6 public; and

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

8 (d) Safety of the public.

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

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

23 6. This section does not preclude, but this chapter does not
24 require, the local government employer to negotiate subject matters
25 enumerated in subsection 3 which are outside the scope of
26 mandatory bargaining. The local government employer shall discuss
27 subject matters outside the scope of mandatory bargaining but it is
28 not required to negotiate those matters.

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

31 **Sec. 1.3.** NRS 288.155 is hereby amended to read as follows:

32 288.155 ~~Agreements entered into between local government~~
33 ~~employers and employee organizations pursuant to this chapter~~
34 ~~may~~

35 *1. A collective bargaining agreement:*

36 (a) *May* extend beyond the term of office of any member or
37 officer of the local government employer.

38 (b) *Expires for the purposes of this section at the end of the*
39 *term stated in the agreement, notwithstanding any provision of*
40 *the agreement that it remain in effect, in whole or in part, after the*
41 *end of that term until a successor agreement becomes effective.*

42 *2. Except as otherwise provided in subsection 3 and*
43 *notwithstanding any provision of the collective bargaining*
44 *agreement to the contrary, upon the expiration of a collective*
45 *bargaining agreement, if no successor agreement is effective and*



1 *until a successor agreement becomes effective, a local government*
2 *employer shall not pay to or on behalf of any employee in the*
3 *affected bargaining unit any compensation or monetary benefits*
4 *in any amount greater than the amount in effect as of the*
5 *expiration of the collective bargaining agreement.*

6 *3. The provisions of subsection 2 do not prohibit a local*
7 *government employer from paying:*

8 *(a) An increase in compensation or monetary benefits during*
9 *the first quarter of the next ensuing fiscal year of the local*
10 *government employer after the expiration of a collective*
11 *bargaining agreement; or*

12 *(b) An increase in the employer's portion of the matching*
13 *contribution rate for employees and employers in accordance with*
14 *an adjustment in the rate of contributions pursuant to*
15 *NRS 286.450.*

16 **Sec. 1.4.** NRS 288.170 is hereby amended to read as follows:

17 288.170 1. Each local government employer which has
18 recognized one or more employee organizations shall determine,
19 after consultation with the recognized organization or organizations,
20 which group or groups of its employees constitute an appropriate
21 unit or units for negotiating. The primary criterion for that
22 determination must be the community of interest among the
23 employees concerned.

24 2. A ~~school administrator [principal, assistant principal or~~
25 ~~other school administrator below the rank of superintendent,~~
26 ~~associate superintendent or assistant superintendent shall not be a~~
27 ~~member of the same bargaining unit with public school teachers~~
28 ~~unless the school district employs fewer than five principals but may~~
29 ~~join with other officials of the same specified ranks to negotiate as a~~
30 ~~separate]~~ whose annual salary, adjusted for inflation as provided
31 in this subsection, is greater than \$120,000 must be excluded from
32 any bargaining unit. *The annual salary provided in this subsection*
33 *must be adjusted on July 1 of each year for the period beginning*
34 *that day and ending on June 30 of the following year in a rounded*
35 *dollar amount corresponding to the percentage of increase or*
36 *decrease in the Consumer Price Index (All Items) published by the*
37 *United States Department of Labor for the preceding calendar*
38 *year. On April 1 of each year, the Commissioner shall determine*
39 *the amount of the increase or decrease required by this subsection,*
40 *establish the adjusted amount to take effect on July 1 of that year*
41 *and notify each school district of the adjusted amount.*

42 3. A head of a department of a local government, an
43 administrative employee or a supervisory employee must not be a
44 member of the same bargaining unit as the employees under the
45 direction of that department head, administrative employee or



1 supervisory employee. Any dispute between the parties as to
2 whether an employee is a supervisor must be submitted to the
3 Board. An employee organization which is negotiating on behalf of
4 two or more bargaining units consisting of firefighters or police
5 officers, as defined in NRS 288.215, may select members of the
6 units to negotiate jointly on behalf of each other, even if one of the
7 units consists of supervisory employees and the other unit does not.

8 4. Confidential employees of the local government employer
9 must be excluded from any bargaining unit but are entitled to
10 participate in any plan to provide benefits for a group that is
11 administered by the bargaining unit of which they would otherwise
12 be a member.

13 5. If any employee organization is aggrieved by the
14 determination of a bargaining unit, it may appeal to the Board.
15 Subject to judicial review, the decision of the Board is binding upon
16 the local government employer and employee organizations
17 involved. The Board shall apply the same criterion as specified in
18 subsection 1.

19 6. As used in this section:

20 (a) "Confidential employee" means an employee who is
21 involved in the decisions of management affecting collective
22 bargaining.

23 (b) "Supervisory employee" means a supervisory employee
24 described in paragraph (a) of subsection 1 of NRS 288.075.

25 **Sec. 1.5.** NRS 288.180 is hereby amended to read as follows:

26 288.180 1. Whenever an employee organization desires to
27 negotiate concerning any matter which is subject to negotiation
28 pursuant to this chapter, it shall give written notice of that desire to
29 the local government employer. ~~##~~ *Except as otherwise provided
30 in this subsection, if* the subject of negotiation requires the
31 budgeting of money by the local government employer, the
32 employee organization shall give notice on or before February 1. *If
33 an employee organization representing teachers or educational
34 support personnel desires to negotiate concerning any matter
35 which is subject to negotiation pursuant to this chapter, it shall
36 give the notice required by this subsection on or before January 1.*

37 2. Following the notification provided for in subsection 1, the
38 employee organization or the local government employer may
39 request reasonable information concerning any subject matter
40 included in the scope of mandatory bargaining which it deems
41 necessary for and relevant to the negotiations. The information
42 requested must be furnished without unnecessary delay. The
43 information must be accurate, and must be presented in a form
44 responsive to the request and in the format in which the records
45 containing it are ordinarily kept. If the employee organization



1 requests financial information concerning a metropolitan police
2 department, the local government employers which form that
3 department shall furnish the information to the employee
4 organization.

5 3. The parties shall promptly commence negotiations. As the
6 first step, the parties shall discuss the procedures to be followed if
7 they are unable to agree on one or more issues.

8 4. This section does not preclude, but this chapter does not
9 require, informal discussion between an employee organization and
10 a local government employer of any matter which is not subject to
11 negotiation or contract under this chapter. Any such informal
12 discussion is exempt from all requirements of notice or time
13 schedule.

14 **Sec. 1.6.** NRS 288.217 is hereby amended to read as follows:

15 288.217 1. The provisions of this section govern negotiations
16 between school districts and employee organizations representing
17 teachers and educational support personnel.

18 2. *Not later than 330 days before the end of the term stated in*
19 *their collective bargaining agreement, the parties shall select an*
20 *arbitrator in the manner provided in subsection 2 of NRS 288.200*
21 *to conduct a hearing in the event that an impasse is declared*
22 *pursuant to subsection 3. The parties and the arbitrator shall*
23 *schedule a hearing of not less than 3 consecutive business days, to*
24 *begin not later than June 10 immediately preceding the end of the*
25 *term stated in the collective bargaining agreement or 60 days*
26 *before the end of that term, whichever is earlier. As a condition of*
27 *his or her selection, the arbitrator must agree to render a decision,*
28 *if the hearing is held, within the time required by subsection 9. If*
29 *the arbitrator fails or refuses to agree to any of the conditions*
30 *stated in this subsection, the parties shall immediately proceed to*
31 *select another arbitrator in the manner provided in subsection 2 of*
32 *NRS 288.200 until an arbitrator is selected who agrees to those*
33 *conditions.*

34 3. If the parties to a negotiation pursuant to this section have
35 failed to reach an agreement after at least ~~four~~ *eight* sessions of
36 negotiation, either party may declare the negotiations to be at an
37 impasse and, after 5 days' written notice is given to the other party,
38 submit the issues remaining in dispute to ~~an~~ *the* arbitrator ~~to~~
39 *selected pursuant to subsection 2.* The arbitrator ~~must be selected~~
40 ~~in the manner provided in subsection 2 of NRS 288.200 and~~ has the
41 powers provided for fact finders in NRS 288.210.

42 ~~to~~ 4. The arbitrator shall, ~~within 30 days after the arbitrator~~
43 ~~is selected, and after 7 days' written notice is given to the parties,~~
44 *pursuant to subsection 2,* hold a hearing to receive information
45 concerning the dispute. The hearing must be held in the county in



1 which the school district is located and the arbitrator shall arrange
2 for a full and complete record of the hearing.

3 ~~14~~ 5. The parties to the dispute shall each pay one-half of the
4 costs of the arbitration.

5 ~~15~~ 6. A determination of the financial ability of a school
6 district must be based on:

7 (a) All existing available revenues as established by the school
8 district and within the limitations set forth in NRS 354.6241, with
9 due regard for the obligation of the school district to provide an
10 education to the children residing within the district.

11 (b) Consideration of funding for the current year being
12 negotiated. If the parties mutually agree to arbitrate a multi-year
13 contract the arbitrator must consider the ability to pay over the life
14 of the contract being negotiated or arbitrated.

15 ➔ Once the arbitrator has determined in accordance with this
16 subsection that there is a current financial ability to grant monetary
17 benefits, the arbitrator shall consider, to the extent appropriate,
18 compensation of other governmental employees, both in and out of
19 this State.

20 ~~16~~ 7. At the recommendation of the arbitrator, the parties
21 may, before the submission of a final offer, enter into negotiations.
22 If the negotiations are begun, the arbitrator may adjourn the hearing
23 for a period of 3 weeks. If an agreement is reached, it must be
24 submitted to the arbitrator, who shall certify it as final and binding.

25 ~~17~~ 8. If the parties do not enter into negotiations or do not
26 agree within ~~130~~ 7 days after the hearing held pursuant to
27 subsection ~~13~~ 4, each of the parties shall submit a single written
28 statement containing its final offer for each of the unresolved issues.

29 ~~18~~ 9. The arbitrator shall, within 10 days after the final offers
30 are submitted, render a decision on the basis of the criteria set forth
31 in NRS 288.200. The arbitrator shall accept one of the written
32 statements and shall report the decision to the parties. The decision
33 of the arbitrator is final and binding on the parties. Any award of the
34 arbitrator is retroactive to the expiration date of the last contract
35 between the parties.

36 ~~19~~ 10. The decision of the arbitrator must include a
37 statement:

38 (a) Giving the arbitrator's reason for accepting the final offer
39 that is the basis of the arbitrator's award; and

40 (b) Specifying the arbitrator's estimate of the total cost of the
41 award.

42 ~~10~~ 11. Within 45 days after the receipt of the decision from
43 the arbitrator, the board of trustees of the school district shall hold a
44 public meeting in accordance with the provisions of chapter 241 of
45 NRS. The meeting must include a discussion of:



1 (a) The issues submitted pursuant to subsection ~~2;~~ 3;
2 (b) The statement of the arbitrator pursuant to subsection ~~9;~~
3 10; and

4 (c) The overall fiscal impact of the decision which must not
5 include a discussion of the details of the decision.

6 ➔ The arbitrator must not be asked to discuss the decision during
7 the meeting.

8 ~~11;~~ 12. The superintendent of the school district shall report
9 to the board of trustees the fiscal impact of the decision. The report
10 must include, without limitation, an analysis of the impact of the
11 decision on compensation and reimbursement, funding, benefits,
12 hours, working conditions or other terms and conditions of
13 employment.

14 ~~12;~~ 13. As used in this section:

15 (a) "Educational support personnel" means all classified
16 employees of a school district, other than teachers, who are
17 represented by an employee organization.

18 (b) "Teacher" means an employee of a school district who is
19 licensed to teach in this State and who is represented by an
20 employee organization.

21 **Sec. 1.7.** NRS 288.280 is hereby amended to read as follows:

22 288.280 Any controversy concerning prohibited practices may
23 be submitted to the Board in the same manner and with the same
24 effect as provided in NRS 288.110, except that an alleged failure to
25 provide information as provided by NRS 288.180 ~~shall~~ **must** be
26 heard and determined by the Board as soon as possible after the
27 complaint is filed with the Board ~~and, in any case, not later than~~
28 **45 days after the Board decides to hear the complaint, unless the**
29 **parties agree to waive this requirement.**

30 **Sec. 1.8.** Chapter 391 of NRS is hereby amended by adding
31 thereto the provisions set forth as sections 1.9 and 1.95 of this act.

32 **Sec. 1.9. 1. During the first 3 years of his or her**
33 **employment by a school district in the position of principal, a**
34 **principal is employed at-will in that position. A principal who is**
35 **reassigned pursuant to this subsection is entitled to a written**
36 **statement of the reason for the reassignment. If the principal was**
37 **previously employed by the school district in another position and**
38 **is reassigned pursuant to this section, the principal is entitled to be**
39 **assigned to his or her former position at the rate of compensation**
40 **provided for that position.**

41 **2. A principal who completes the probationary period**
42 **provided by NRS 391.3197 in the position of principal is again**
43 **employed at-will if, in each of 2 consecutive school years:**

44 **(a) The rating of the school to which the principal is assigned,**
45 **as determined by the Department pursuant to the statewide system**



1 *of accountability for public schools, is reduced by one or more*
2 *levels; and*

3 *(b) Fifty percent or more of the teachers assigned to the school*
4 *request a transfer to another school.*

5 *3. If the events described in paragraphs (a) and (b) of*
6 *subsection 2 occur with respect to a school for any school year, the*
7 *school district shall conduct a survey of the teachers assigned to*
8 *the school to evaluate conditions at the school and the reasons*
9 *given by teachers who requested a transfer to another school. The*
10 *results of the survey do not affect the employment status of the*
11 *principal of the school.*

12 *4. A principal described in subsection 2 is subject to*
13 *immediate dismissal by the board of trustees of the school district*
14 *on recommendation of the superintendent and is entitled, on*
15 *dismissal, to a written statement of the reasons for dismissal.*

16 **Sec. 1.95.** *1. Each postprobationary administrator*
17 *employed by a school district, except an administrator excluded*
18 *from any bargaining unit pursuant to NRS 288.170 or a principal,*
19 *must apply to the superintendent for reappointment to his or her*
20 *administrative position every 5 years.*

21 *2. If an administrator is not reappointed to his or her*
22 *administrative position pursuant to this section and was previously*
23 *employed by the school district in another position, the*
24 *administrator is entitled to be assigned to his or her former*
25 *position at the rate of compensation provided for that position.*

26 **Sec. 2.** NRS 391.166 is hereby amended to read as follows:

27 391.166 1. There is hereby created the Grant Fund for
28 Incentives for Licensed Educational Personnel to be administered by
29 the Department. The Department may accept gifts and grants from
30 any source for deposit in the Grant Fund.

31 2. The board of trustees of each school district shall establish a
32 program of incentive pay for licensed teachers, school
33 psychologists, school librarians, school counselors and
34 administrators employed at the school level which must be designed
35 to attract and retain those employees. The program must be
36 negotiated pursuant to chapter 288 of NRS, *insofar as the*
37 *provisions of that chapter apply to those employees*, and must
38 include, without limitation, the attraction and retention of:

39 (a) Licensed teachers, school psychologists, school librarians,
40 school counselors and administrators employed at the school level
41 who have been employed in that category of position for at least 5
42 years in this State or another state and who are employed in schools
43 which are at-risk, as determined by the Department pursuant to
44 subsection 8; and



1 (b) Teachers who hold a license or endorsement in the field of
2 mathematics, science, special education, English as a second
3 language or other area of need within the school district, as
4 determined by the Superintendent of Public Instruction.

5 3. A program of incentive pay established by a school district
6 must specify the type of financial incentives offered to the licensed
7 educational personnel. Money available for the program must not be
8 used to negotiate the salaries of individual employees who
9 participate in the program.

10 4. If the board of trustees of a school district wishes to receive
11 a grant of money from the Grant Fund, the board of trustees shall
12 submit to the Department an application on a form prescribed by the
13 Department. The application must include a description of the
14 program of incentive pay established by the school district.

15 5. The Superintendent of Public Instruction shall compile a list
16 of the financial incentives recommended by each school district that
17 submitted an application. On or before December 1 of each year, the
18 Superintendent shall submit the list to the Interim Finance
19 Committee for its approval of the recommended incentives.

20 6. After approval of the list of incentives by the Interim
21 Finance Committee pursuant to subsection 5 and within the limits of
22 money available in the Grant Fund, the Department shall provide
23 grants of money to each school district that submits an application
24 pursuant to subsection 4 based upon the amount of money that is
25 necessary to carry out each program. If an insufficient amount of
26 money is available to pay for each program submitted to the
27 Department, the amount of money available must be distributed pro
28 rata based upon the number of licensed employees who are
29 estimated to be eligible to participate in the program in each school
30 district that submitted an application.

31 7. An individual employee may not receive as a financial
32 incentive pursuant to a program an amount of money that is more
33 than \$3,500 per year.

34 8. The Department shall, in consultation with representatives
35 appointed by the Nevada Association of School Superintendents and
36 the Nevada Association of School Boards, develop a formula for
37 identifying at-risk schools for purposes of this section. The formula
38 must be developed on or before July 1 of each year and include,
39 without limitation, the following factors:

40 (a) The percentage of pupils who are eligible for free or
41 reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

42 (b) The transiency rate of pupils;

43 (c) The percentage of pupils who are limited English proficient;

44 (d) The percentage of pupils who have individualized education
45 programs; and



1 (e) The percentage of pupils who drop out of high school before
2 graduation.

3 9. The board of trustees of each school district that receives a
4 grant of money pursuant to this section shall evaluate the
5 effectiveness of the program for which the grant was awarded. The
6 evaluation must include, without limitation, an evaluation of
7 whether the program is effective in recruiting and retaining the
8 personnel as set forth in subsection 2. On or before December 1 of
9 each year, the board of trustees shall submit a report of its
10 evaluation to the:

11 (a) Governor;

12 (b) State Board;

13 (c) Interim Finance Committee;

14 (d) If the report is submitted in an even-numbered year, Director
15 of the Legislative Counsel Bureau for transmittal to the next regular
16 session of the Legislature; and

17 (e) Legislative Committee on Education.

18 **Sec. 3.** NRS 391.168 is hereby amended to read as follows:

19 391.168 1. The board of trustees of each school district shall:

20 (a) Establish a program of performance pay and enhanced
21 compensation for the recruitment and retention of licensed teachers
22 and administrators which must be negotiated pursuant to chapter
23 288 of NRS ~~4~~, *insofar as the provisions of that chapter apply to*
24 *those employees*; and

25 (b) Commencing with the 2015-2016 school year, implement
26 the program established pursuant to paragraph (a).

27 2. The program of performance pay and enhanced
28 compensation established by a school district pursuant to subsection
29 1 must have as its primary focus the improvement in the academic
30 achievement of pupils and must give appropriate consideration to
31 implementation in at-risk schools. In addition, the program may
32 include, without limitation, the following components:

33 (a) Career leadership advancement options to maximize the
34 retention of teachers in the classroom and the retention of
35 administrators;

36 (b) Professional development;

37 (c) Group incentives; and

38 (d) Multiple assessments of individual teachers and
39 administrators, with primary emphasis on individual pupil
40 improvement and growth in academic achievement, including,
41 without limitation, portfolios of instruction, leadership and
42 professional growth, and other appropriate measures of teacher and
43 administrator performance which must be considered.



1 **Sec. 3.3.** NRS 391.311 is hereby amended to read as follows:

2 391.311 As used in NRS 391.311 to 391.3197, inclusive, *and*
3 *sections 1.9 and 1.95 of this act* unless the context otherwise
4 requires:

5 1. “Administrator” means any employee who holds a license as
6 an administrator and who is employed in that capacity by a school
7 district.

8 2. “Board” means the board of trustees of the school district in
9 which a licensed employee affected by NRS 391.311 to 391.3197,
10 inclusive, *and sections 1.9 and 1.95 of this act* is employed.

11 3. “Demotion” means demotion of an administrator to a
12 position of lesser rank, responsibility or pay and does not include
13 transfer or reassignment for purposes of an administrative
14 reorganization.

15 4. “Immorality” means:

16 (a) An act forbidden by NRS 200.366, 200.368, 200.400,
17 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,
18 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an
19 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,
20 inclusive, 453.560 or 453.562; or

21 (b) An act forbidden by NRS 201.540 or any other sexual
22 conduct or attempted sexual conduct with a pupil enrolled in an
23 elementary or secondary school. As used in this paragraph, “sexual
24 conduct” has the meaning ascribed to it in NRS 201.520.

25 5. “Postprobationary employee” means an administrator or a
26 teacher who has completed the probationary period as provided in
27 NRS 391.3197 and has been given notice of reemployment. The
28 term does not include a person who is deemed to be a probationary
29 employee pursuant to NRS 391.3129.

30 6. “Probationary employee” means:

31 (a) An administrator or a teacher who is employed for the period
32 set forth in NRS 391.3197; and

33 (b) A person who is deemed to be a probationary employee
34 pursuant to NRS 391.3129.

35 7. “Superintendent” means the superintendent of a school
36 district or a person designated by the board or superintendent to act
37 as superintendent during the absence of the superintendent.

38 8. “Teacher” means a licensed employee the majority of whose
39 working time is devoted to the rendering of direct educational
40 service to pupils of a school district.

41 **Sec. 3.5.** NRS 391.3115 is hereby amended to read as follows:

42 391.3115 1. The demotion, suspension, dismissal and
43 nonreemployment provisions of NRS 391.311 to 391.3197,
44 inclusive, do not apply to:

45 (a) Substitute teachers; or



1 (b) Adult education teachers.

2 2. The admonition, demotion, suspension, dismissal and
3 nonreemployment provisions of NRS 391.311 to 391.3194,
4 inclusive, do not apply to:

5 (a) A probationary teacher. The policy for evaluations
6 prescribed in NRS 391.3125 and 391.3128 applies to a probationary
7 teacher.

8 (b) A *principal described in subsection 1 of section 1.9 of this*
9 *act with respect to his or her employment as a principal.*

10 (c) *A principal who is employed at-will pursuant to subsection*
11 *2 of section 1.9 of this act.*

12 (d) *An administrator described in subsection 2 of section 1.95*
13 *of this act.*

14 (e) A new employee who is employed as a probationary
15 administrator primarily to provide administrative services at the
16 school level and not primarily to provide direct instructional
17 services to pupils, regardless of whether licensed as a teacher or
18 administrator, including, without limitation, a principal and vice
19 principal. ~~{The}~~

20 *↳ Insofar as it is consistent with the provisions of sections 1.9 and*
21 *1.95 of this act, the policy for evaluations prescribed in NRS*
22 *391.3127 and 391.3128 applies to ~~{such a probationary}~~ any*
23 *administrator ~~{}~~ described in this subsection.*

24 3. The admonition, demotion and suspension provisions of
25 NRS 391.311 to 391.3194, inclusive, do not apply to a
26 postprobationary teacher who is employed as a probationary
27 administrator primarily to provide administrative services at the
28 school level and not primarily to provide direct instructional
29 services to pupils, regardless of whether licensed as a teacher or
30 administrator, including, without limitation, a principal and vice
31 principal, with respect to his or her employment in the
32 administrative position. The policy for evaluations prescribed in
33 NRS 391.3127 and 391.3128 applies to such a probationary
34 administrator.

35 4. The provisions of NRS 391.311 to 391.3194, inclusive, do
36 not apply to a teacher whose employment is suspended or
37 terminated pursuant to subsection 3 of NRS 391.120 or NRS
38 391.3015 for failure to maintain a license in force.

39 5. A licensed employee who is employed in a position fully
40 funded by a federal or private categorical grant or to replace another
41 licensed employee during that employee's leave of absence is
42 employed only for the duration of the grant or leave. Such a licensed
43 employee and licensed employees who are employed on temporary
44 contracts for 90 school days or less, or its equivalent in a school
45 district operating under an alternative schedule authorized pursuant



1 to NRS 388.090, to replace licensed employees whose employment
2 has terminated after the beginning of the school year are entitled to
3 credit for that time in fulfilling any period of probation and during
4 that time the provisions of NRS 391.311 to 391.3197, inclusive, for
5 demotion, suspension or dismissal apply to them.

6 **Sec. 4.** NRS 391.3116 is hereby amended to read as follows:

7 391.3116 Excluding the provisions of NRS 391.3129, *and*
8 *sections 1.9 and 1.95 of this act*, the provisions of NRS 391.311 to
9 391.3197, inclusive, do not apply to a teacher ~~+, administrator, +~~ or
10 other licensed employee who has entered into a contract with the
11 board negotiated pursuant to chapter 288 of NRS if the contract
12 contains separate provisions relating to the board's right to dismiss
13 or refuse to reemploy the employee. ~~for demote an administrator.~~

14 **Sec. 4.2.** NRS 391.3127 is hereby amended to read as follows:

15 391.3127 *Except as otherwise provided in sections 1.9 and*
16 *1.95 of this act:*

17 1. Each board, following consultation with and involvement of
18 elected representatives of administrative personnel or their
19 designated representatives, shall develop an objective policy for the
20 objective evaluation of administrators in narrative form. The policy
21 must provide for the evaluation of those administrators who provide
22 primarily administrative services at the school level and who do not
23 provide primarily direct instructional services to pupils, regardless
24 of whether such an administrator is licensed as a teacher or
25 administrator, including, without limitation, a principal and a vice
26 principal. The policy must comply with the statewide performance
27 evaluation system established by the State Board pursuant to NRS
28 391.465. The policy must set forth a means according to which an
29 administrator's overall performance is determined to be highly
30 effective, effective, minimally effective or ineffective. Except as
31 otherwise provided in subsection 8, the policy must require that
32 pupil achievement data, as prescribed by the State Board pursuant to
33 NRS 391.465, account for at least 50 percent of the evaluation. The
34 policy may include an evaluation by the administrator,
35 superintendent, pupils or other administrators or any combination
36 thereof. A copy of the policy adopted by the board must be filed
37 with the Department and made available to the Commission.

38 2. The person charged with the evaluation of an administrator
39 pursuant to this section shall hold a conference with the
40 administrator before and after each scheduled observation of the
41 administrator during the school year.

42 3. A probationary administrator must be evaluated three times
43 during each school year of his or her probationary employment.
44 Each evaluation must include at least one scheduled observation of
45 the probationary administrator during the school year as follows:



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

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

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

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

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

24 (b) Selected by the postprobationary administrator from a list of
25 three candidates submitted by the superintendent.

26 5. If a postprobationary administrator receives an evaluation
27 designating his or her overall performance as effective, the
28 postprobationary administrator must be evaluated one time in the
29 immediately succeeding school year. The evaluation must include at
30 least two scheduled observations as follows:

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

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

36 6. If a postprobationary administrator receives an evaluation
37 designating his or her overall performance as highly effective, the
38 postprobationary administrator must be evaluated one time in the
39 immediately succeeding school year. The evaluation must include at
40 least one scheduled observation which must occur within 120 days
41 after the first day of instruction of the school year.

42 7. The evaluation of an administrator pursuant to this section
43 must comply with the regulations of the State Board adopted
44 pursuant to NRS 391.465, which must include, without limitation:



1 (a) An evaluation of the instructional leadership practices of the
2 administrator at the school;

3 (b) An evaluation of the professional responsibilities of the
4 administrator to support learning and promote the effectiveness of
5 the school community;

6 (c) Except as otherwise provided in subsection 8, an evaluation
7 of the performance of pupils enrolled in the school;

8 (d) An evaluation of whether the administrator employs
9 practices and strategies to involve and engage the parents and
10 families of pupils enrolled in the school;

11 (e) Recommendations for improvements in the performance of
12 the administrator; and

13 (f) A description of the action that will be taken to assist the
14 administrator in the areas of instructional leadership practice,
15 professional responsibilities and the performance of pupils.

16 8. The evaluation of a probationary administrator in his or her
17 initial year of probationary employment must not include an
18 evaluation of the performance of pupils enrolled in the school. This
19 subsection does not apply to a postprobationary employee who is
20 deemed to be a probationary employee pursuant to NRS 391.3129.

21 9. Each probationary administrator is subject to the provisions
22 of NRS 391.3128 and 391.3197.

23 10. Before a superintendent transfers or assigns an
24 administrator to another administrative position as part of an
25 administrative reorganization, if the transfer or reassignment is to a
26 position of lower rank, responsibility or pay, the superintendent
27 shall give written notice of the proposed transfer or assignment to
28 the administrator at least 30 days before the date on which it is to be
29 effective. The administrator may appeal the decision of the
30 superintendent to the board by requesting a hearing in writing to the
31 president of the board within 5 days after receiving the notice from
32 the superintendent. The board shall hear the matter within 10 days
33 after the president receives the request, and shall render its decision
34 within 5 days after the hearing. The decision of the board is final.

35 **Sec. 4.4.** NRS 391.3129 is hereby amended to read as follows:

36 391.3129 ~~†A†~~ *Except as otherwise provided in section 1.9 of*
37 *this act, a* postprobationary employee who receives an evaluation
38 designating his or her overall performance as:

39 1. If evaluated pursuant to NRS 391.3125 or 391.3127, as
40 applicable:

41 (a) Minimally effective;

42 (b) Ineffective; or

43 (c) Minimally effective during 1 year of the 2-year consecutive
44 period and ineffective during the other year of the period; or



1 2. If evaluated pursuant to any other system of evaluation, any
2 designation which indicates that the overall performance of the
3 employee is below average,
4 ➔ for 2 consecutive school years shall be deemed to be a
5 probationary employee for the purposes of NRS 391.311 to
6 391.3197, inclusive, and must serve an additional probationary
7 period in accordance with the provisions of NRS 391.3197.

8 **Sec. 4.6.** NRS 391.317 is hereby amended to read as follows:
9 391.317 *Except as otherwise provided in sections 1.9 and 1.95*
10 *of this act:*

11 1. At least 15 days before recommending to a board that it
12 demote, dismiss or not reemploy a postprobationary employee, the
13 superintendent shall give written notice to the employee, by
14 registered or certified mail, of the superintendent's intention to
15 make the recommendation.

16 2. The notice must:

17 (a) Inform the licensed employee of the grounds for the
18 recommendation.

19 (b) Inform the employee that, if a written request therefor is
20 directed to the superintendent within 10 days after receipt of the
21 notice, the employee is entitled to a hearing before a hearing officer
22 pursuant to NRS 391.315 to 391.3194, inclusive, or if a dismissal of
23 the employee will occur before the completion of the current school
24 year or if the employee is deemed to be a probationary employee
25 pursuant to NRS 391.3129 and dismissal of the employee will occur
26 before the completion of the current school year, the employee may
27 request an expedited hearing pursuant to subsection 3.

28 (c) Refer to chapter 391 of NRS.

29 3. If a postprobationary employee or an employee who is
30 deemed to be a probationary employee pursuant to NRS 391.3129
31 receives notice that he or she will be dismissed before the
32 completion of the current school year, the employee may request an
33 expedited hearing pursuant to the Expedited Labor Arbitration
34 Procedures established by the American Arbitration Association or
35 its successor organization. If the employee elects to proceed under
36 the expedited procedures, the provisions of NRS 391.3161,
37 391.3192 and 391.3193 do not apply.

38 **Sec. 4.8.** NRS 391.3197 is hereby amended to read as follows:
39 391.3197 *Except as otherwise provided in section 1.9 of this*
40 *act:*

41 1. A probationary employee is employed on a contract basis for
42 three 1-year periods and has no right to employment after any of the
43 three probationary contract years.

44 2. The board shall notify each probationary employee in
45 writing on or before May 1 of the first, second and third school



1 years of the employee's probationary period, as appropriate,
2 whether the employee is to be reemployed for the second or third
3 year of the probationary period or for the fourth school year as a
4 postprobationary employee. Failure of the board to notify the
5 probationary employee in writing on or before May 1 in the first or
6 second year of the probationary period does not entitle the employee
7 to postprobationary status. The employee must advise the board in
8 writing on or before May 10 of the first, second or third year of the
9 employee's probationary period, as appropriate, of the employee's
10 acceptance of reemployment. If a probationary employee is assigned
11 to a school that operates all year, the board shall notify the employee
12 in writing, in the first, second and third years of the employee's
13 probationary period, no later than 45 days before his or her last day
14 of work for the year under his or her contract whether the employee
15 is to be reemployed for the second or third year of the probationary
16 period or for the fourth school year as a postprobationary employee.
17 Failure of the board to notify a probationary employee in writing
18 within the prescribed period in the first or second year of the
19 probationary period does not entitle the employee to
20 postprobationary status. The employee must advise the board in
21 writing within 10 days after the date of notification of his or her
22 acceptance or rejection of reemployment for another year. Failure to
23 advise the board of the employee's acceptance of reemployment
24 pursuant to this subsection constitutes rejection of the contract.

25 3. A probationary employee who:

26 (a) Completes a 3-year probationary period;

27 (b) Receives a designation of "highly effective" or "effective"
28 on each of his or her performance evaluations for 2 consecutive
29 school years; and

30 (c) Receives a notice of reemployment from the school district
31 in the third year of the employee's probationary period,
32 is entitled to be a postprobationary employee in the ensuing year
33 of employment.

34 4. If a probationary employee is notified that the employee will
35 not be reemployed for the school year following the 3-year
36 probationary period, his or her employment ends on the last day of
37 the current school year. The notice that the employee will not be
38 reemployed must include a statement of the reasons for that
39 decision.

40 5. A new employee who is employed as an administrator to
41 provide primarily administrative services at the school level and
42 who does not provide primarily direct instructional services to
43 pupils, regardless of whether the administrator is licensed as a
44 teacher or administrator, including, without limitation, a principal
45 and vice principal, or a postprobationary teacher who is employed as



1 an administrator to provide those administrative services shall be
2 deemed to be a probationary employee for the purposes of this
3 section and must serve a 3-year probationary period as an
4 administrator in accordance with the provisions of this section. If:

5 (a) A postprobationary teacher who is an administrator is not
6 reemployed as an administrator after any year of his or her
7 probationary period; and

8 (b) There is a position as a teacher available for the ensuing
9 school year in the school district in which the person is employed,
10 → the board of trustees of the school district shall, on or before
11 May 1, offer the person a contract as a teacher for the ensuing
12 school year. The person may accept the contract in writing on or
13 before May 10. If the person fails to accept the contract as a teacher,
14 the person shall be deemed to have rejected the offer of a contract as
15 a teacher.

16 6. An administrator who has completed his or her probationary
17 period pursuant to subsection 5 and is thereafter promoted to the
18 position of principal must serve an additional probationary period of
19 ~~1-year~~ 2 years in the position of principal. If an administrator is
20 promoted to the position of principal before completion of his or her
21 probationary period pursuant to subsection 5, the administrator must
22 serve the remainder of his or her probationary period pursuant to
23 subsection 5 or an additional probationary period of ~~1-year~~ 2 years
24 in the position of principal, whichever is longer. If the administrator
25 serving the additional probationary period is not reemployed as a
26 principal after the expiration of the probationary period or additional
27 probationary period, as applicable, the board of trustees of the
28 school district in which the person is employed shall, on or before
29 May 1, offer the person a contract for the ensuing school year for
30 the administrative position in which the person attained
31 postprobationary status. The person may accept the contract in
32 writing on or before May 10. If the person fails to accept such a
33 contract, the person shall be deemed to have rejected the offer of
34 employment.

35 7. If a probationary employee receives notice that he or she
36 will be dismissed before the completion of the current school year,
37 the probationary employee may request an expedited hearing
38 pursuant to the Expedited Labor Arbitration Procedures established
39 by the American Arbitration Association or its successor
40 organization.

41 **Sec. 5.** Insofar as they conflict with the provisions of such an
42 agreement, the amendatory provisions of this act do not apply
43 during the current term of any contract of employment or collective
44 bargaining agreement entered into before the effective date of this
45 act, but do apply to any extension or renewal of such an agreement



1 and to any agreement entered into on or after the effective date of
2 this act. For the purposes of this section, the term of an agreement
3 ends on the date provided in the agreement, notwithstanding any
4 provision of the agreement that it remains in effect, in whole or in
5 part, after that date until a successor agreement becomes effective.
6 **Sec. 6.** This act becomes effective upon passage and approval.

③



* S B 2 4 1 R 2 *