

## ASSEMBLY BILL NO. 43—ASSEMBLYWOMAN SEGERBLOM

PREFILED JANUARY 21, 1999

Referred to Committee on Education

SUMMARY—Revises provisions governing rights of licensed educational personnel regarding certain disciplinary procedures. (BDR 34-225)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: 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 educational personnel; removing the exemption from certain disciplinary procedures that is provided for licensed educational personnel who have negotiated their employment contracts pursuant to the Local Government Employee-Management Relations Act; revising certain procedures regarding the admonishment of licensed educational personnel; providing that certain employees who have been suspended, dismissed or not reemployed are entitled to reinstatement; clarifying that educational personnel who have been suspended for certain reasons are entitled to compensation during the period of their suspension; and providing other matters properly relating thereto.

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

1    **Section 1.** NRS 386.365 is hereby amended to read as follows:  
2    386.365   1. Except as ***otherwise*** provided in subsection 3, each board  
3    of trustees in ~~{any county having a population of}~~ ***a county whose***  
4    ***population is*** 100,000 or more shall ~~{give 15 days'}~~ ***provide*** notice of its  
5    intention to adopt, repeal or amend a policy or regulation of the board  
6    concerning any of the subjects set forth in subsection 4 ~~{.}~~ ***at least 15 days***  
7    ***before the date of the meeting during which the matter will be considered.***  
8    The notice must:  
9    (a) Include a description of the ~~{subject or subjects involved and must~~  
10   ~~state}~~ ***subjects that are scheduled to be considered by the board of trustees***  
11   ***during the meeting;***  
12   (b) ***Include*** the time and place of the meeting ~~{at which the matter will~~  
13   ~~be considered by the board; and~~  
14   ~~—(b)}~~ ; ***and***

(c) Be mailed to the following persons ~~{from each of the schools affected:}~~ *who are employed by or affiliated with a school that may be affected by the adoption, repeal or amendment of a policy or regulation of the board of trustees:*

- (1) The principal;
- (2) The president of the parent-teacher association or similar body;
- and
- (3) The president of the classroom teachers' organization or other collective bargaining agent.

A copy of the notice and of the terms of each proposed policy or regulation, or change in a policy or regulation, must be made available for inspection by the public in the office of the superintendent of schools of the school district at least 15 days before ~~{its adoption.}~~ *the adoption of the policy or regulation.*

2. All persons interested in a proposed policy or regulation or change in a policy or regulation must be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. The board of trustees shall consider all written and oral submissions respecting the proposal or change before taking final action.

3. Emergency policies or regulations may be adopted by ~~{the}~~ *a* board *of trustees* upon ~~{its own}~~ *a* finding *by the board* that an emergency exists.

4. This section applies to policies and regulations concerning:

- (a) Attendance rules;
- (b) Zoning;
- (c) Grading;
- (d) District staffing patterns;
- (e) Curriculum and program;
- (f) Pupil discipline; and
- (g) Personnel, ~~{except with respect to dismissals and refusals to reemploy covered by contracts entered into as a result of the Local Government Employee Management Relations Act, as provided in NRS 391.3116.}~~ *including, without limitation, policies and regulations concerning dismissals of licensed personnel pursuant to the provisions of NRS 391.314.*

**Sec. 2.** NRS 391.3116 is hereby amended to read as follows:

391.3116 ~~{The}~~ *Except as otherwise provided in NRS 391.314, the* provisions of NRS 391.311 to 391.3197, inclusive, do not apply to a teacher, administrator ~~{}~~ or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee or demote an administrator.

1     **Sec. 3.** NRS 391.313 is hereby amended to read as follows:

2     391.313 1. ~~{Whenever}~~ *Except as otherwise provided in subsections*  
3 *3 and 4, if* an administrator *who is* charged with *the* supervision of a  
4 licensed employee believes *that* it is necessary to admonish the employee  
5 for a reason ~~{that he believes}~~ *which* may lead to *the* demotion ~~{,}~~ *or*  
6 dismissal *of the employee* or cause the employee not to be reemployed  
7 ~~{under}~~ *pursuant to* the provisions of NRS 391.312, ~~{he}~~ *the administrator*  
8 shall:

9     (a) ~~{Except as otherwise provided in subsection 2, bring the matter to the~~  
10 ~~attention of}~~ *Provide written notice to* the employee, ~~{involved, in writing,}~~  
11 stating the reasons for the admonition and that it may lead to ~~{his~~  
12 ~~demotion,}~~ *the employee's demotion or* dismissal or a refusal to reemploy  
13 him ~~{, and make}~~ ;

14     (b) *Make* a reasonable effort to assist the employee ~~{to correct whatever~~  
15 ~~appears to be}~~ *in correcting* the *probable* cause for his potential demotion  
16 ~~{,}~~ *or* dismissal or a potential recommendation not to reemploy him; and

17     ~~{(b)}~~ (c) Except as otherwise provided in NRS 391.314, allow  
18 reasonable time for improvement, which must not exceed 3 months for the  
19 first admonition.

20     ~~{An admonition issued to}~~

21     2. *If* a licensed employee ~~{who,}~~ *receives an admonition and,* within  
22 the time granted for improvement, ~~{has met}~~ *meets* the standards set for him  
23 by the administrator who issued the admonition, *the admonition* must be  
24 removed from the records of the employee ~~{together with}~~, *including* all  
25 notations and indications. ~~{of its having been issued.}~~ The admonition must  
26 be removed from the records of the employee ~~{not later than 3}~~ :

27     (a) *If it is a notation of an oral admonition, 6 months after it is issued.*

28     (b) *If it is the first written admonition of the employee, 1 year after it is*  
29 *issued.*

30     (c) *For each written admonition of the employee after the first written*  
31 *admonition, 2 years after it is issued.*

32     ~~{2.—An administrator need not admonish an employee pursuant to~~  
33 ~~paragraph (a) of subsection 1 if his employment}~~

34     3. *Except as otherwise provided in this subsection, an administrator is*  
35 *not required to admonish a probationary employee if the employee* will be  
36 terminated pursuant to NRS 391.3197. If, by February 15 of the first or  
37 second year of his probationary period, a probationary employee does not  
38 receive a written notice pursuant to subsection 4 of NRS 391.3125 of a  
39 potential decision not to reemploy him, he must receive an admonition  
40 before any such decision is made.

41     ~~{3.}~~ 4. A licensed employee is subject to immediate dismissal or a  
42 refusal to reemploy according to the procedures ~~{provided}~~ *set forth* in  
43 NRS 391.311 to 391.3197, inclusive, without the admonition required by

1 this section, on *the* grounds ~~[contained]~~ *set forth* in paragraphs (b), (f), (g),  
2 (h) and (p) of subsection 1 of NRS 391.312. *If after such a dismissal or*  
3 *refusal occurs, it is determined that sufficient grounds for the dismissal or*  
4 *nonreemployment did not exist, the employee must be reinstated to the*  
5 *position that he held before the dismissal or nonreemployment and, if*  
6 *feasible, to the school in which he held that position.*

7 **Sec. 4.** NRS 391.314 is hereby amended to read as follows:

8 391.314 1. If a superintendent has reason to believe that cause exists  
9 for the dismissal of a licensed employee and ~~[he]~~ *the superintendent* is of  
10 the opinion that the immediate suspension of the employee is necessary ~~[in]~~  
11 *for* the best interests of the pupils in the *school* district, the superintendent  
12 may suspend the employee without notice ~~[and without]~~ *or* a hearing.  
13 Notwithstanding the provisions of NRS 391.312, a superintendent may  
14 suspend a licensed employee who has been officially charged but not yet  
15 convicted of a felony or a crime involving moral turpitude or immorality. If  
16 the charge is dismissed or if the employee is found not guilty, he must be  
17 reinstated with ~~[back pay, plus interest, and]~~ normal seniority. The  
18 superintendent shall notify the employee in writing of the suspension.

19 2. Within 5 days after a suspension becomes effective, the  
20 superintendent shall begin proceedings pursuant to the provisions of NRS  
21 391.312 to ~~[391.3196,]~~ *391.3197*, inclusive, to effect the employee's  
22 dismissal. ~~[The]~~ *Except as otherwise provided in this section, the*  
23 employee is entitled to continue to receive his salary and other benefits  
24 ~~[after]~~ *on* the *date the* suspension becomes effective until the date on which  
25 the dismissal proceedings are ~~[commenced.]~~ *completed*. The superintendent  
26 may recommend that an employee who has been charged with a felony or a  
27 crime involving immorality be dismissed for another ground set forth in  
28 NRS 391.312.

29 3. If sufficient grounds for dismissal do not exist, the employee must  
30 be reinstated ~~[with full compensation, plus interest.~~

31 ~~—4.— A licensed employee who furnishes to the school district a bond or~~  
32 ~~other security which is acceptable to the board as a guarantee that he will~~  
33 ~~repay any amounts paid to him pursuant to this subsection as salary during~~  
34 ~~a period of suspension is entitled to continue to receive his salary from the~~  
35 ~~date on which the dismissal proceedings are commenced until the decision~~  
36 ~~of the board or the report of the hearing officer, if the report is final and~~  
37 ~~binding. The board shall not unreasonably refuse to accept security other~~  
38 ~~than a bond. An employee who receives salary pursuant to this subsection~~  
39 ~~shall repay it if he is dismissed or not reemployed as a result of a decision~~  
40 ~~of the board or a report of a hearing officer.~~

41 ~~—5.]~~ *to the position that he held before the suspension and, if feasible, to*  
42 *the school in which he held that position.*

1     **4.** A licensed employee who is convicted of a crime which requires  
2 registration pursuant to NRS 179D.200 to 179D.290, inclusive, or  
3 179D.350 to 179D.550, inclusive, or is convicted of an act forbidden by  
4 NRS 200.508, 201.190 or 201.265 forfeits all rights of employment from  
5 the date of his arrest.

6     ~~16-1~~ **5.** A licensed employee who is convicted of any crime and who is  
7 sentenced to and serves any sentence of imprisonment forfeits all rights of  
8 employment from the date of his arrest or the date on which his  
9 employment terminated, whichever is later.

10    ~~17-1~~ **6.** A licensed employee who is charged with a felony or a crime  
11 involving immorality or moral turpitude and who waives his right to a  
12 speedy trial while suspended may receive no more than 12 months of back  
13 pay and seniority upon reinstatement if he is found not guilty or the charges  
14 are dismissed, unless proceedings have been begun to dismiss the employee  
15 upon one of the other grounds set forth in NRS 391.312.

16    ~~18-1~~ **7.** A superintendent may discipline a licensed employee by  
17 suspending the employee with loss of pay at any time after a hearing has  
18 been held which affords the due process provided for in this chapter. The  
19 grounds for suspension are the same as the grounds contained in NRS  
20 391.312. An employee may be suspended more than once during the  
21 employee's contract year, but the total number of days of suspension may  
22 not exceed 20 ~~19-1~~ *during the employee's* contract year. Unless  
23 circumstances require otherwise, the suspensions must be progressively  
24 longer.

25    **8. *The provisions of this section apply to a licensed employee***  
26 ***regardless of whether he has entered into a contract with the board that***  
27 ***was negotiated pursuant to chapter 288 of NRS.***

28    **Sec. 5.** This act becomes effective on July 1, 1999.