

Assembly Bill No. 130—Assemblymen Cegavske, Anderson, Berman,  
Brown, Claborn, Goldwater, Hettrick, Humke, Smith and  
Von Tobel

Joint Sponsor: Senator Shaffer

CHAPTER.....

AN ACT relating to educational personnel; requiring the boards of trustees of school districts to offer certain contracts of employment to probationary administrators and principals who are not reemployed in those capacities as postprobationary employees; and providing other matters properly relating thereto.

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

**Section 1.** NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes his 2-year probationary period and receives a notice of reemployment from the school district in the second year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. A probationary employee who receives an unsatisfactory evaluation may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in the state. If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is

entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If ~~that~~:

(a) A postprobationary teacher who is an administrator is not reemployed ~~in that capacity~~ *as an administrator* after either year of his probationary period ~~he may accept~~; and

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

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed ~~in that capacity~~ *as a principal* after the expiration of the additional probationary period, ~~he may accept~~ *the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year* ~~in writing, on or before May 10,~~ for the administrative position in which ~~he~~ *the person* attained postprobationary status. ~~If he~~ *The person may accept the contract in writing on or before May 10. If the person* fails to accept such a contract, ~~he~~ *the person* shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

**Sec. 2.** This act becomes effective on July 1, 2001.