

SENATE BILL NO. 403—COMMITTEE ON
HUMAN RESOURCES AND EDUCATION

(ON BEHALF OF THE CLARK COUNTY SCHOOL DISTRICT)

MARCH 29, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Requires board of trustees of school district to report certain disciplinary information regarding teachers and school administrators to Department of Education. (BDR 34-415)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; requiring the board of trustees of a school district to report to the Department of Education certain disciplinary information regarding postprobationary and probationary licensed educational personnel; providing immunity from civil liability for reports that are made in good faith; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the requirements and procedures for imposing disciplinary action against a teacher or school administrator. (NRS 391.311-391.3197)

This bill requires the board of trustees of the employing school district to submit a report to the Department of Education if a teacher or administrator is disciplined or not reemployed for specific grounds set forth in NRS 391.312 or if a teacher or administrator who retires or resigns from his employment could have been disciplined for specific grounds set forth in NRS 391.312. The board of trustees is also required to provide a copy of the report to the teacher or administrator. Any board of trustees that submits a report in good faith to the Department is immune from civil liability for the disclosure and its consequences.

This bill also requires the Department to prescribe the manner in which a teacher or administrator may petition the Department to have a report removed from its records and the manner in which a board of trustees may obtain a copy of a report regarding a prospective employee. The Department must also prescribe the



requirements for forwarding reports to the National Association of State Directors of Teacher Education and Certification for placement in its database and, as available, a national database for disciplinary records of school administrators as well as the manner in which a person who is the subject of the report may petition the Department to have the report removed from the records of the entity to which it was forwarded.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Demotion” has the meaning ascribed to it in subsection 3 of NRS 391.311.*

Sec. 4. *“Postprobationary employee” has the meaning ascribed to it in subsection 5 of NRS 391.311.*

Sec. 5. *“Probationary employee” has the meaning ascribed to it in subsection 6 of NRS 391.311.*

Sec. 6. 1. *If the board of trustees of a school district demotes, dismisses or does not reemploy a postprobationary employee for any of the grounds set forth in subsection 1 of NRS 391.312, other than paragraph (g) of subsection 1 of NRS 391.312, the board of trustees shall provide:*

(a) A written report to the Department, on a form prescribed by the Department pursuant to section 7 of this act, of the action taken against the employee.

(b) A copy of the report to the employee that was provided to the Department pursuant to paragraph (a).

2. *If a postprobationary or probationary employee resigns or retires, as applicable, and the board of trustees of the school district that employs the person has a reasonable belief that if the employee had not resigned or retired, the employee would have been subject to disciplinary action on any of the grounds set forth in subsection 1 of NRS 391.312, other than paragraph (g) of subsection 1 of NRS 391.312, the board of trustees shall provide:*

(a) A written report to the Department, on a form prescribed by the Department pursuant to section 7 of this act, indicating the reasons supporting the reasonable belief that the employee would have been subject to disciplinary action; and



(b) A copy of the report to the employee that was provided to the Department pursuant to paragraph (a).

3. If the board of trustees of a school district does not reemploy a probationary employee, the board of trustees shall provide:

(a) A written report to the Department, on a form prescribed by the Department pursuant to section 7 of this act, indicating the grounds for the decision not to reemploy the employee; and

(b) A copy of the report to the employee that was provided to the Department pursuant to paragraph (a).

4. If the board of trustees of a school district makes a report pursuant to this section in good faith, the board of trustees is immune from civil liability for such disclosure and its consequences.

5. The Department shall:

(a) Maintain all reports made to the Department pursuant to this section; and

(b) Except as otherwise provided in section 7 of this act, keep confidential all reports made to the Department pursuant to this section.

Sec. 7. The Department shall adopt regulations that prescribe:

1. A form for the report required pursuant to section 6 of this act;

2. The manner in which a copy of the report must be provided to an employee pursuant to section 6 of this act;

3. The manner in which a person who is the subject of a report submitted to the Department pursuant to section 6 of this act may:

(a) Petition the Department to have the report removed from the records of the Department; and

(b) Appeal a decision of the Department to deny a petition submitted pursuant to paragraph (a);

4. The manner in which the board of trustees of a school district may obtain a copy of a report submitted pursuant to section 6 of this act regarding a prospective employee of the school district;

5. The requirements for forwarding a report made pursuant to section 6 of this act to:

(a) The National Association of State Directors of Teacher Education and Certification, or its successor, for placement in the database maintained by the Association for the licensing records of teachers; and

(b) As available, a national database established for the disciplinary records of school administrators; and



1 6. *The manner in which a person who is the subject of a*
2 *report forwarded pursuant to subsection 5 may petition the*
3 *Department to have the report removed from the records of the*
4 *entity to which it was forwarded.*

5 **Sec. 8.** On or before July 1, 2005, the Department of
6 Education shall adopt regulations pursuant to section 7 of this act.

7 **Sec. 9.** 1. This section and sections 7 and 8 of this act
8 become effective upon passage and approval.

9 2. Sections 1 to 6, inclusive, of this act become effective on
10 July 1, 2005.

