

ASSEMBLY BILL NO. 459—ASSEMBLYMEN SEGERBLOM, KIHUEN,
PARKS, ALLEN, BEERS, CLABORN, KOIVISTO, LESLIE,
MANENDO, MORTENSON, MUNFORD, OHRENSCHALL,
PIERCE AND WOMACK

MARCH 19, 2007

JOINT SPONSORS: SENATORS TOWNSEND, TITUS,
HARDY, HORSFORD AND WIENER

Referred to Committee on Education

SUMMARY—Makes various changes relating to teachers.
(BDR 34-787)

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 education; making various changes relating to
teachers; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 **Section 2** of this bill provides specified rights for a teacher in a meeting with an
2 administrator or representative of a school district which involves the performance,
3 employment status, discipline or transfer of the teacher, or any complaint made by
4 the teacher concerning his working conditions or the manner in which he has been
5 treated. **Section 3** of this bill regulates investigations of administrators of school
6 districts which are requested by teachers. **Section 4** of this bill specifies the written
7 notice which must be provided to a teacher against whom an allegation of improper
8 conduct or performance is made. **Section 5** of this bill provides that if the
9 termination of the employment of a teacher is subsequently overturned by an
10 arbitrator, the teacher is entitled to full back pay for all missed days of work and is
11 not required to mitigate his damages. **Section 6** of this bill imposes restrictions on
12 the involuntary transfer of a teacher within a school or between schools. **Section 7**
13 of this bill requires each school district to adopt a written policy prohibiting the
14 intimidation, humiliation, abuse or mistreatment of teachers.



* A B 4 5 9 *

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. 1. *Except as otherwise provided by specific statute, any meeting between a teacher and an administrator or representative of a school district which involves the performance, employment status, discipline or transfer of the teacher, or any complaint made by the teacher concerning his working conditions or the manner in which he has been treated, is subject to the provisions of this section.*

2. If the administrator or representative of the school district knows that a meeting which is scheduled with a teacher is subject to the provisions of this section, the administrator or representative shall inform the teacher of that fact in writing not less than 24 hours before the meeting.

3. The teacher may select any person to represent him at the meeting and may, at his own expense, record the meeting by use of a recording device or a court reporter.

4. If a meeting which is not subject to the provisions of this section is held between a teacher and an administrator or representative of a school district and, during the meeting, the administrator or representative raises an issue which subjects the meeting to the provisions of this section, the teacher must, upon request, be granted an immediate continuance of the meeting for not less than 24 hours to arrange for a person to represent him at the meeting and to arrange for the recording of the meeting.

5. If an administrator or representative of a school district determines in good faith that the circumstances require that a meeting which is subject to the provisions of this section be held on an emergency basis, the meeting must address only such circumstances and the teacher may select any other teacher to attend the meeting with him.

6. A teacher who wishes to request a meeting which is subject to the provisions of this section concerning a complaint about his working conditions or the manner in which he has been treated shall, in writing, notify the school district of the complaint and request such a meeting.

Sec. 3. 1. *If a teacher or his representative requests in writing the investigation of an administrator and provides facts which justify the investigation, the school district may not appoint another administrator or the superintendent to conduct the investigation unless the teacher agrees in writing. If the teacher*



1 *does not so agree, the school district shall, at its own expense,*
2 *appoint a disinterested person to conduct the investigation.*

3 *2. An investigation conducted pursuant to subsection 1 must*
4 *be conducted with reasonable timeliness.*

5 *3. Upon the conclusion of the investigation, the school*
6 *district shall ensure that the teacher is provided with:*

7 *(a) The detailed written results of the investigation; and*

8 *(b) A written report detailing all investigative efforts, including*
9 *the names and addresses of all persons interviewed, written*
10 *statements of each administrator who is the subject of the*
11 *complaint and identification of all documents examined.*

12 **Sec. 4.** *1. Before a school district may require a teacher to*
13 *respond to an allegation of improper conduct or performance, the*
14 *school district must provide the teacher with a detailed written*
15 *notice of the allegation, including the names of all accusers and*
16 *the date, time, place of, and a detailed explanation concerning, the*
17 *alleged improper conduct or performance. If such written notice is*
18 *not provided before an investigative interview, the teacher may*
19 *refuse to answer questions and may not be disciplined for that*
20 *refusal.*

21 *2. A teacher against whom an allegation of improper conduct*
22 *or performance is made may submit to the school district a list of*
23 *witnesses who will testify on his behalf. If a teacher submits such*
24 *a list, the witnesses must be interviewed in full before the teacher*
25 *may be disciplined with respect to the allegation.*

26 **Sec. 5.** *If the employment of a teacher is terminated and the*
27 *termination is subsequently overturned by an arbitrator, the*
28 *teacher is entitled to full back pay for all missed days of work and*
29 *is not required to mitigate his damages. Any decision of an*
30 *arbitrator that is inconsistent with the provisions of this section is*
31 *not enforceable to the extent of the inconsistency.*

32 **Sec. 6.** *1. A teacher may be involuntarily transferred within*
33 *a school or between schools only if:*

34 *(a) The transfer is necessary because of a budgetary*
35 *emergency; and*

36 *(b) The teacher does not refuse the transfer based on seniority,*
37 *if applicable.*

38 *2. Any transfer or attempted transfer of a teacher in violation*
39 *of this section is prima facie evidence of the abuse and*
40 *mistreatment of the teacher.*

41 **Sec. 7.** *1. Each school district shall adopt and enforce a*
42 *written policy prohibiting administrators or their agents from*
43 *committing any act or making any statement which:*

44 *(a) Intimidates, humiliates, abuses or mistreats teachers;*



1 (b) Constitutes a misuse of their power with respect to
2 teachers; or

3 (c) Is intended to convince teachers to waive their rights
4 pursuant to sections 2 to 7, inclusive, of this act.

5 2. The policy must include penalties for its violation,
6 including suspension and loss of pay.

7 3. The school district shall ensure that a copy of the policy is
8 provided to each teacher who is employed by the school district.

9 Sec. 8. NRS 391.311 is hereby amended to read as follows:

10 391.311 As used in NRS 391.311 to 391.3197, inclusive, *and*
11 *sections 2 to 7, inclusive, of this act*, unless the context otherwise
12 requires:

13 1. "Administrator" means any employee who holds a license as
14 an administrator and who is employed in that capacity by a school
15 district.

16 2. "Board" means the board of trustees of the school district in
17 which a licensed employee affected by NRS 391.311 to 391.3197,
18 inclusive, *and sections 2 to 7, inclusive, of this act* is employed.

19 3. "Demotion" means demotion of an administrator to a
20 position of lesser rank, responsibility or pay and does not include
21 transfer or reassignment for purposes of an administrative
22 reorganization.

23 4. "Immorality" means:

24 (a) An act forbidden by NRS 200.366, 200.368, 200.400,
25 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,
26 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337,
27 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

28 (b) An act forbidden by NRS 201.540 or any other sexual
29 conduct or attempted sexual conduct with a pupil enrolled in an
30 elementary or secondary school. As used in this paragraph, "sexual
31 conduct" has the meaning ascribed to it in NRS 201.520.

32 5. "Postprobationary employee" means an administrator or a
33 teacher who has completed the probationary period as provided in
34 NRS 391.3197 and has been given notice of reemployment.

35 6. "Probationary employee" means an administrator or a
36 teacher who is employed for the period set forth in NRS 391.3197.

37 7. "Superintendent" means the superintendent of a school
38 district or a person designated by the board or superintendent to act
39 as superintendent during the absence of the superintendent.

40 8. "Teacher" means a licensed employee the majority of whose
41 working time is devoted to the rendering of direct educational
42 service to pupils of a school district.



1 **Sec. 9.** NRS 391.3115 is hereby amended to read as follows:
2 391.3115 1. The demotion, suspension, dismissal and
3 nonreemployment provisions of NRS 391.311 to 391.3197,
4 inclusive, *and sections 2 to 7, inclusive, of this act* do not apply to:

- 5 (a) Substitute teachers; or
6 (b) Adult education teachers.

7 2. The provisions of NRS 391.311 to 391.3194, inclusive, *and*
8 *sections 2 to 7, inclusive, of this act* do not apply to a teacher whose
9 employment is suspended or terminated pursuant to subsection 3 of
10 NRS 391.120 for failure to maintain a license in force.

11 3. A licensed employee who is employed in a position fully
12 funded by a federal or private categorical grant or to replace another
13 licensed employee during that employee's leave of absence is
14 employed only for the duration of the grant or leave. Such a licensed
15 employee and licensed employees who are employed on temporary
16 contracts for 90 school days or less, or its equivalent in a school
17 district operating under an alternative schedule authorized pursuant
18 to NRS 388.090, to replace licensed employees whose employment
19 has terminated after the beginning of the school year are entitled to
20 credit for that time in fulfilling any period of probation and during
21 that time the provisions of NRS 391.311 to 391.3197, inclusive, *and*
22 *sections 2 to 7, inclusive, of this act* for demotion, suspension or
23 dismissal apply to them.

24 **Sec. 10.** NRS 391.3116 is hereby amended to read as follows:
25 391.3116 The provisions of NRS 391.311 to 391.3197,
26 inclusive, *and sections 2 to 7, inclusive, of this act* do not apply to a
27 teacher, administrator, or other licensed employee who has entered
28 into a contract with the board negotiated pursuant to chapter 288 of
29 NRS if the contract contains separate provisions relating to the
30 board's right to dismiss or refuse to reemploy the employee or
31 demote an administrator.

32 **Sec. 11.** This act becomes effective on July 1, 2007.

