

SENATE BILL NO. 101—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

PREFILED JANUARY 30, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to the reemployment of employees of school districts. (BDR 34-405)

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 school districts; authorizing the extension of certain statutory deadlines related to the reemployment status of certain employees of school districts during odd-numbered years; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to notify, on or before May 1 of each year, the postprobationary and probationary employees who are employed by the board of trustees of the reemployment status of those employees for the next school year. Existing law also requires those employees to notify the board of trustees, on or before May 10, of their acceptance of such reemployment. (NRS 391.31216, 391.3196, 391.3197) This bill authorizes the board of trustees to extend those deadlines in odd-numbered years to May 15 and May 25, respectively.

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

Section 1. NRS 391.31216 is hereby amended to read as follows:

391.31216 1. The provisions of this section apply to probationary employees who are employed by a school district that conducts evaluations pursuant to NRS 391.31214 and 391.31215 for



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1 the 2013-2014 school year or the 2014-2015 school year, or both,
2 for each school year that the school district conducts evaluations
3 pursuant to those sections.

4 2. A probationary employee is employed on a contract basis for
5 three 1-year periods and has no right to employment after any of the
6 three probationary contract years.

7 3. The board shall notify each probationary employee in
8 writing ~~[on or before May 1 of]~~ **during** the first, second and third
9 school years of the employee's probationary period ~~[,--as
10 appropriate,]~~ whether the employee is to be reemployed for the
11 second or third year of the probationary period or for the fourth
12 school year as a postprobationary employee. ***Such notice must be
13 provided:***

14 (a) ***On or before May 1; or***

15 (b) ***On or before May 15 of an odd-numbered year so long as
16 the board notifies the employee of the extension by April 1.***

17 4. Failure of the board to notify the probationary employee in
18 writing on or before May 1 ***or May 15, as applicable,*** in the first or
19 second year of the probationary period does not entitle the employee
20 to postprobationary status.

21 5. The employee must advise the board in writing ~~[on or before
22 May 10 of]~~ **during** the first, second or third year of the employee's
23 probationary period ~~[,--as appropriate,]~~ of the employee's acceptance
24 of reemployment. ***Such notice must be provided:***

25 (a) ***On or before May 10 if the board provided its notice on or
26 before May 1; or***

27 (b) ***On or before May 25 if the board provided a notice of an
28 extension pursuant to paragraph (b) of subsection 3.***

29 6. If a probationary employee is assigned to a school that
30 operates all year, the board shall notify the employee in writing, in
31 the first, second and third years of the employee's probationary
32 period, not later than 45 days before his or her last day of work for
33 the year under his or her contract whether the employee is to be
34 reemployed for the second or third year of the probationary period
35 or for the fourth school year as a postprobationary employee.

36 7. Failure of the board to notify a probationary employee in
37 writing within the prescribed period in the first or second year of the
38 probationary period does not entitle the employee to
39 postprobationary status. The employee must advise the board in
40 writing within 10 days after the date of notification of his or her
41 acceptance or rejection of reemployment for another year. Failure to
42 advise the board of the employee's acceptance of reemployment
43 pursuant to this subsection constitutes rejection of the contract.

44 ~~[4-]~~ 8. A probationary employee who:

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



(b) Receives a designation of “satisfactory” on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee’s probationary period,

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

~~[5-]~~ **9.** If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

~~[6-]~~ **10.** A new employee who is employed as an administrator 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 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; 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 ~~[H]~~ **or May 15, as applicable**, 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 ~~[H]~~ **or May 25, as applicable**. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

~~[7-]~~ **11.** An administrator who has completed his or her probationary period pursuant to subsection ~~[6]~~ **10** and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection ~~[6-]~~ **10**, the administrator must serve the remainder of his or her probationary period pursuant to subsection ~~[6]~~ **10** or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1 ~~[H]~~ **or May 15, as applicable**, offer the person a contract for the ensuing school year for the administrative position in which the person attained



1 postprobationary status. The person may accept the contract in
2 writing on or before May 10 ~~[8]~~ or May 25, as applicable. If the
3 person fails to accept such a contract, the person shall be deemed to
4 have rejected the offer of employment.

5 ~~[8]~~ 12. If a written evaluation of a probationary teacher or
6 probationary administrator designates the overall performance of the
7 teacher or administrator as “unsatisfactory”:

8 (a) The written evaluation must include the following statement:
9 “Please be advised that, pursuant to Nevada law, your contract may
10 not be renewed for the next school year. If you receive an
11 ‘unsatisfactory’ evaluation on the first or second evaluation, or both
12 evaluations for this school year, and if you have another evaluation
13 remaining this school year, you may request that the evaluation be
14 conducted by another administrator. You may also request, to the
15 administrator who conducted the evaluation, reasonable assistance
16 in correcting the deficiencies reported in the evaluation for which
17 you request assistance, and upon such request, a reasonable effort
18 will be made to assist you in correcting those deficiencies.”

19 (b) The probationary teacher or probationary administrator, as
20 applicable, must acknowledge in writing that he or she has received
21 and understands the statement described in paragraph (a).

22 ~~[9]~~ 13. If a probationary teacher or probationary administrator
23 requests that his or her next evaluation be conducted by another
24 administrator in accordance with the notice required by subsection
25 ~~[8]~~ 12, the administrator conducting the evaluation must be:

26 (a) Employed by the school district or, if the school district has
27 five or fewer administrators, employed by another school district in
28 this State; and

29 (b) Selected by the probationary teacher or probationary
30 administrator, as applicable, from a list of three candidates
31 submitted by the superintendent.

32 ~~[10]~~ 14. If a probationary teacher or probationary
33 administrator requests assistance in correcting deficiencies reported
34 in his or her evaluation, the administrator who conducted the
35 evaluation shall ensure that a reasonable effort is made to assist the
36 probationary teacher or probationary administrator in correcting
37 those deficiencies.

38 ~~[11]~~ 15. If a probationary employee receives notice that he or
39 she will be dismissed before the completion of the current school
40 year, the probationary employee may request an expedited hearing
41 pursuant to the Expedited Labor Arbitration Procedures established
42 by the American Arbitration Association or its successor
43 organization.



Sec. 2. NRS 391.3196 is hereby amended to read as follows:

391.3196 1. ~~{On or before May 1 of each year, the}~~ *The* board shall notify postprobationary employees ~~{in their employ,}~~ in writing, by certified mail or by delivery of the employee's contract, concerning their reemployment for the ensuing year. *Such notice must be provided:*

(a) *On or before May 1; or*

(b) *On or before May 15 of an odd-numbered year so long as the board notifies the employee of the extension by April 1.*

2. If the board, or the person designated by it, fails to notify a postprobationary employee who has been employed by a school district of the employee's status for the ensuing year, the employee shall be deemed to be reemployed for the ensuing year under the same terms and conditions as he or she is employed for the current year.

~~{2.}~~ 3. This section does not apply to any licensed employee who has been recommended to be demoted, dismissed or not reemployed if proceedings have commenced and no final decision has been made by the board. A licensed employee may be demoted or dismissed for grounds set forth in NRS 391.31297 after the employee has been notified that he or she is to be reemployed for the ensuing year.

~~{3.}~~ 4. Any licensed employee who is reemployed pursuant to subsection 1 shall ~~{, by May 10,}~~ notify the board in writing of the employee's acceptance of employment. *Such notice must be provided:*

(a) *On or before May 10 if the board provided its notice on or before May 1; or*

(b) *On or before May 25 if the board provided a notice of an extension pursuant to paragraph (b) of subsection 1.*

5. Failure on the part of the employee to notify the board of his or her acceptance within the specified time is conclusive evidence of the employee's rejection of the contract.

~~{4.}~~ 6. If the licensed employees are represented by a recognized employee organization and negotiation has been commenced pursuant to NRS 288.180, then the provisions of subsections 1 ~~{, 2 and 3}~~ *to 5, inclusive*, do not apply except in the case of a demotion, dismissal or decision not to reemploy an employee. Before May 10 *or May 25, as applicable*, of each year, the employees shall notify the board in writing, on forms provided by the board, of their acceptance of reemployment. Any agreement negotiated by the recognized employee organization and the board becomes a part of the contract of employment between the board and the employee. The board shall mail contracts, by certified mail with return receipts requested, to each employee to be reemployed at



1 the last known address of the employee or shall deliver the contract
2 in person to each employee, obtaining a receipt therefor. Failure on
3 the part of the employee to notify the board of the employee's
4 acceptance within 10 days after receipt of the contract is conclusive
5 evidence of the employee's rejection of the contract.

6 **Sec. 3.** NRS 391.3197 is hereby amended to read as follows:

7 391.3197 1. A probationary employee is employed on a
8 contract basis for three 1-year periods and has no right to
9 employment after any of the three probationary contract years.

10 2. The board shall notify each probationary employee in
11 writing ~~on or before May 1 of~~ *during* the first, second and third
12 school years of the employee's probationary period ~~[, as~~
13 ~~appropriate,]~~ whether the employee is to be reemployed for the
14 second or third year of the probationary period or for the fourth
15 school year as a postprobationary employee. *Such notice must be*
16 *provided:*

17 (a) *On or before May 1; or*

18 (b) *On or before May 15 of an odd-numbered year so long as*
19 *the board notifies the employee of the extension by April 1.*

20 3. Failure of the board to notify the probationary employee in
21 writing on or before May 1 *or May 15, as applicable*, in the first or
22 second year of the probationary period does not entitle the employee
23 to postprobationary status.

24 4. The employee must advise the board in writing ~~on or before~~
25 ~~May 10 of~~ *during* the first, second or third year of the employee's
26 probationary period ~~[, as appropriate,]~~ of the employee's acceptance
27 of reemployment. *Such notice must be provided:*

28 (a) *On or before May 10 if the board provided its notice on or*
29 *before May 1; or*

30 (b) *On or before May 25 if the board provided a notice of an*
31 *extension pursuant to paragraph (b) of subsection 2.*

32 5. If a probationary employee is assigned to a school that
33 operates all year, the board shall notify the employee in writing, in
34 the first, second and third years of the employee's probationary
35 period, no later than 45 days before his or her last day of work for
36 the year under his or her contract whether the employee is to be
37 reemployed for the second or third year of the probationary period
38 or for the fourth school year as a postprobationary employee. Failure
39 of the board to notify a probationary employee in writing within the
40 prescribed period in the first or second year of the probationary
41 period does not entitle the employee to postprobationary status. The
42 employee must advise the board in writing within 10 days after the
43 date of notification of his or her acceptance or rejection of the
44 reemployment for another year. Failure to advise the board of the



employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

~~[3]~~ **6.** A probationary employee who:

(a) Completes a 3-year probationary period;

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

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

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

~~[4]~~ **7.** If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

~~[5]~~ **8.** A new employee who is employed as an administrator to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, or a postprobationary teacher who is employed as an administrator to provide those administrative services shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; 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 ~~[H]~~ **or May 15, as applicable**, 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 ~~[H]~~ **or May 25, as applicable**. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

~~[6]~~ **9.** An administrator who has completed his or her probationary period pursuant to subsection ~~[5]~~ **8** and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to



1 subsection ~~[5.]~~ 8, the administrator must serve the remainder of his
2 or her probationary period pursuant to subsection ~~[5.]~~ 8 or an
3 additional probationary period of 1 year in the position of principal,
4 whichever is longer. If the administrator serving the additional
5 probationary period is not reemployed as a principal after the
6 expiration of the probationary period or additional probationary
7 period, as applicable, the board of trustees of the school district in
8 which the person is employed shall, on or before May 1 ~~[4]~~ or
9 *May 15, as applicable*, offer the person a contract for the ensuing
10 school year for the administrative position in which the person
11 attained postprobationary status. The person may accept the contract
12 in writing on or before May 10 ~~[4]~~ or *May 25, as applicable*. If the
13 person fails to accept such a contract, the person shall be deemed to
14 have rejected the offer of employment.

15 ~~[7.]~~ 10. If a probationary employee receives notice that he or
16 she will be dismissed before the completion of the current school
17 year, the probationary employee may request an expedited hearing
18 pursuant to the Expedited Labor Arbitration Procedures established
19 by the American Arbitration Association or its successor
20 organization.

21 **Sec. 4.** NRS 391.350 is hereby amended to read as follows:

22 391.350 1. Any teacher or other licensed employee employed
23 by any board for a specified time who willfully refuses or fails to
24 fulfill his or her employment obligations after the employee has
25 notified the board of his or her acceptance of employment under
26 subsection ~~[3.]~~ 4 of NRS 391.3196 or subsection ~~[2.]~~ 4 of NRS
27 391.3197 or to comply with the provisions of his or her contract
28 after it has been signed without first obtaining the written consent of
29 the board may be found guilty of unprofessional conduct. The board
30 shall not unreasonably withhold its consent.

31 2. Any administrator who willfully secures the signature on a
32 statement of intent to accept employment of any teacher or other
33 licensed employee who has notified the board of another school
34 district in this State of his or her acceptance of employment is guilty
35 of unprofessional conduct, unless the employee has first obtained
36 the written consent of the board to which he or she has given notice
37 of acceptance. If the failure or refusal to comply with the provisions
38 of the contract is the result of having subsequently executed an
39 employment contract with another board in this State without the
40 written consent of the board first employing him or her, the second
41 contract is void.

42 ~~[2.]~~ 3. Upon receiving a formal complaint from the board,
43 substantiated by conclusive evidence of a teacher's failure or refusal
44 under subsection 1 or that an administrator has willfully secured
45 such a signature, the State Board may suspend or revoke the license



1 of the teacher or administrator after notice and opportunity for a
2 hearing have been provided pursuant to NRS 391.322 and 391.323.
3 ~~3.1~~ 4. The Superintendent of Public Instruction shall notify
4 state agencies for education in other states of any revocation
5 pursuant to this section.
6 **Sec. 5.** This act becomes effective upon passage and approval.

