

CHAPTER.....

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.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

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

3. The board shall notify each probationary employee in writing ~~on or before May 1 of~~ *during* the first, second and third school years of the employee's probationary period ~~as appropriate,~~ whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. *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.

4. Failure of the board to notify the probationary employee in writing on or before May 1 *or May 15, as applicable,* in the first or



second year of the probationary period does not entitle the employee to postprobationary status.

5. The employee must advise the board in writing ~~on or before May 10 of~~ **during** the first, second or third year of the employee's probationary period ~~if, as appropriate,~~ of the employee's acceptance of reemployment. *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 3.

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

7. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of 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.

~~14~~ **8.** A probationary employee who:

(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.

~~15~~ **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.

~~16~~ **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 ~~or~~ *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 ~~or~~ *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.

~~7-1~~ *11.* An administrator who has completed his or her probationary period pursuant to subsection ~~6-1~~ *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 ~~6-1~~ *10*, the administrator must serve the remainder of his or her probationary period pursuant to subsection ~~6-1~~ *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 ~~or~~ *or May 15, as applicable*, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10 ~~or~~ *or May 25, as applicable*. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

~~8-1~~ *12.* If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as “unsatisfactory”:

(a) The written evaluation must include the following statement: “Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive an ‘unsatisfactory’ evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be



conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies.”

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

~~19-~~ **13.** If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection ~~18-~~ **12**, the administrator conducting the evaluation must be:

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

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

~~10-~~ **14.** If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

~~11-~~ **15.** If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor 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.

~~12-1~~ 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.

~~13-1~~ 4. Any licensed employee who is reemployed pursuant to subsection 1 shall ~~1, by May 10,1~~ 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.

~~14-1~~ 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 ~~1, 2 and 31~~ *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 the last known address of the employee or shall deliver the contract in person to each employee, obtaining a receipt therefor. Failure on the part of the employee to notify the board of the employee's acceptance within 10 days after receipt of the contract is conclusive evidence of the employee's rejection of the contract.

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

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

2. The board shall notify each probationary employee in writing ~~on or before May 1 of1~~ *during* the first, second and third



school years of the employee's probationary period ~~[-as appropriate,]~~ whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. *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.*

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

4. The employee must advise the board in writing ~~[-on or before May 10 off]~~ *during* the first, second or third year of the employee's probationary period ~~[-as appropriate,]~~ of the employee's acceptance of reemployment. *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 2.*

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

~~[-]~~ 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.

~~14~~ 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.

~~15~~ 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 ~~11~~ *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 ~~11~~ *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.

~~16~~ 9. An administrator who has completed his or her probationary period pursuant to subsection ~~15~~ 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 subsection ~~15~~ 8, the administrator must serve the remainder of his or her probationary period pursuant to subsection ~~15~~ 8 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 ~~11~~ *or May 15, as applicable*, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10 ~~11~~ *or May 25, as applicable*. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

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

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

391.350 1. Any teacher or other licensed employee employed by any board for a specified time who willfully refuses or fails to fulfill his or her employment obligations after the employee has notified the board of his or her acceptance of employment under subsection ~~13~~ **4** of NRS 391.3196 or subsection ~~12~~ **4** of NRS 391.3197 or to comply with the provisions of his or her contract after it has been signed without first obtaining the written consent of the board may be found guilty of unprofessional conduct. The board shall not unreasonably withhold its consent.

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

~~12~~ **3.** Upon receiving a formal complaint from the board, substantiated by conclusive evidence of a teacher's failure or refusal under subsection 1 or that an administrator has willfully secured such a signature, the State Board may suspend or revoke the license of the teacher or administrator after notice and opportunity for a hearing have been provided pursuant to NRS 391.322 and 391.323.

~~13~~ **4.** The Superintendent of Public Instruction shall notify state agencies for education in other states of any revocation pursuant to this section.



Sec. 5. This act becomes effective upon passage and approval.

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