

Senate Bill No. 253—Senator Goicoechea

Joint Sponsor: Assemblyman Ellison

CHAPTER.....

AN ACT relating to education; revising provisions governing the suspension and admonition of a licensed employee of a school district; removing the requirement that a superintendent who suspends a licensed employee who has been charged with certain crimes initiate dismissal proceedings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an administrator charged with the supervision of a licensed employee of a school district to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed. (NRS 391.755) **Section 11** of this bill authorizes the suspension and admonition of a licensed employee for the same conduct.

Existing law authorizes the superintendent of a school district to suspend a licensed employee without prior written notice or a hearing if: (1) the superintendent believes that grounds for dismissal of the employee exist; or (2) the employee has been officially charged but not yet convicted of certain crimes. (NRS 391.760) Existing law also authorizes dismissal of a licensed employee for conviction of those crimes. (NRS 391.750) Existing law requires the superintendent to begin dismissal proceedings not later than 5 days after a suspension becomes effective. (NRS 391.760) **Section 11:** (1) increases this period to 10 days if the superintendent believes that grounds for dismissal exist; and (2) removes the requirement that the superintendent initiate proceedings for the dismissal of an employee who has been charged, but not convicted, of a crime. **Section 11** instead requires the superintendent to offer such an employee the opportunity for an informal hearing concerning the continuation of the suspension within 10 days after the employee receives notice of the suspension.

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:

Sections 1-10. (Deleted by amendment.)

Sec. 11. NRS 391.760 is hereby amended to read as follows:

391.760 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and the superintendent is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. *Within 10 days after the suspension becomes effective, the superintendent shall begin proceedings*



pursuant to NRS 391.680 to 391.810, inclusive, to carry out the employee's dismissal. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced.

2. Notwithstanding the provisions of NRS 391.750, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, the employee must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

~~[2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.680 to 391.810, inclusive, to effect the employee's dismissal.]~~ *Within 10 days after the date on which the employee receives such notice, the superintendent shall provide the employee with the opportunity for an informal hearing to address the circumstances relating to the charges and any other circumstances relating to the suspension. The superintendent shall issue a written decision concerning the continuation of the suspension based on the information presented at the hearing.* The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the ~~[dismissal proceedings are commenced.]~~ *superintendent issues the written decision.* The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.750. ~~[Except as otherwise provided in subsection 4, after the dismissal proceedings are commenced, the employee is no longer entitled to continue to receive his or her salary and other benefits.]~~

3. If sufficient grounds for dismissal ~~[do]~~ *are not found to exist* ~~[]~~ *at the conclusion of the proceedings conducted pursuant to subsection 1 or 2,* the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other *form of* security which is acceptable to the board as a guarantee that the employee will repay any amounts paid to him or her pursuant to this subsection as salary during a period of suspension *the employee* is entitled to continue to receive his or her salary from the date on which the dismissal proceedings are



commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept *a form of* security other than a bond. An employee who receives *a* salary pursuant to this subsection shall repay it if the employee is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS 179D.010 to 179D.550, inclusive, or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or 207.260 forfeits all rights of employment from the date of his or her arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his or her arrest or the date on which his or her employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his or her right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if the employee is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.750.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.750. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

9. A licensed employee may be suspended pursuant to this section and admonished pursuant to NRS 391.755 for the same conduct.

Sec. 12. 1. The provisions of this act apply to any suspension or dismissal imposed on or after the effective date of this act. Any suspension of a licensed employee of a school district pursuant to NRS 391.760 imposed before the effective date of this act remains valid and the licensed employee remains subject to the terms of that suspension.

2. Any provision of a collective bargaining agreement that is in effect on the effective date of this act which conflicts with the



amendatory provisions of this act is void and unenforceable with respect to any action taken on or after the effective date of this act.

Sec. 13. This act becomes effective upon passage and approval.

