

Amendment No. 603

Assembly Amendment to Senate Bill No. 292 First Reprint (BDR 34-554)

Proposed by: Assembly Committee on Education

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 292—SENATOR PAZINA

MARCH 15, 2023

Referred to Committee on Education

SUMMARY—Revises provisions relating to school administrators. (BDR 34-554)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 education; providing that certain principals are employed at will; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that during the first 3 years of employment by a school district, a principal is employed at will. **Section 2** also provides that if a principal completes the 3-year probationary period, the principal again becomes an at-will employee if, in 2 consecutive school years: (1) the rating of the school to which the principal is assigned pursuant to the statewide system of accountability for public schools is reduced by one or more levels ~~or~~ *or remains at the lowest level possible*; and (2) fifty percent or more of the teachers assigned to the school request a transfer to another school. **Section 2** further provides that such a principal is subject to ~~immediate dismissal by the board of trustees of the school district~~ *nonrenewal of his or her contract* on recommendation of the superintendent of the school district.

Sections 4-10 of this bill make changes to conform with the changes made by **section 2**.

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 and 3 of this act.

Sec. 2. 1. *During the first 3 years of his or her employment by a school district in the position of principal, a principal is employed at will in that position. A principal who is reassigned pursuant to this subsection is entitled to a written statement of the reason for the reassignment. If the principal was previously employed by the school district in another position and is reassigned pursuant to this section, the principal is entitled to be assigned to his or her former position at the rate of compensation provided for that position.*

2. *A principal who completes the probationary period set forth in NRS 391.820 by a principal is again employed at will if, in each of 2 consecutive school years:*

(a) The rating of the school to which the principal is assigned, as determined by the Department pursuant to the statewide system of accountability for public

schools, is reduced by one or more levels ~~or~~ or remains at the lowest level possible; and

(b) Fifty percent or more of the teachers assigned to the school request a transfer to another school.

3. If the events described in paragraphs (a) and (b) of subsection 2 occur with respect to a school for any school year:

(a) The school associate superintendent or other administrator of the school district who oversees the school must provide mentoring to the principal of the school; and

(b) The school district shall conduct a survey of the teachers assigned to the school to evaluate conditions at the school and the reasons given by teachers who requested a transfer to another school. The results of the survey do not affect the employment status of the principal of the school.

4. A principal described in subsection 2 is subject to ~~immediate dismissal by the board of trustees of the school district~~ nonrenewal of his or her contract on recommendation of the superintendent. ~~and~~ If the contract of the principal is not renewed pursuant to this subsection and the principal was previously employed by the school district in another position, the principal is entitled ~~for~~ dismissal, to a written statement of the reasons for dismissal to be assigned to his or her former position at the rate of compensation provided for that position.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, and section 2 of this act, unless the context otherwise requires:

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

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, and section 2 of this act is employed.

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

4. "Immorality" means:

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

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

5. "Probationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

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

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

4 **Sec. 5.** NRS 391.655 is hereby amended to read as follows:

5 391.655 1. The demotion, suspension, dismissal and nonreemployment
6 provisions of NRS 391.650 to 391.826, inclusive, *and section 2 of this act* do not
7 apply to:

- 8 (a) Substitute teachers; or
9 (b) Adult education teachers.

10 2. The admonition, demotion, suspension, dismissal and nonreemployment
11 provisions of NRS 391.650 to 391.800, inclusive, do not apply to:

12 (a) A probationary teacher. The policy for evaluations prescribed in NRS
13 391.685 and 391.725 applies to a probationary teacher.

14 (b) *A principal described in subsection 1 of section 2 of this act with respect*
15 *to his or her employment as a principal.*

16 (c) *A principal who is employed at will pursuant to subsection 2 of section 2*
17 *of this act.*

18 (d) A new employee who is employed as a probationary administrator
19 primarily to provide administrative services at the school level and not primarily to
20 provide direct instructional services to pupils, regardless of whether licensed as a
21 teacher or administrator, including, without limitation, a principal and vice
22 principal. ~~[The]~~

23 *↳ Insofar as the policy is consistent with the provisions of section 2 of this act,*
24 *the policy for evaluations prescribed in NRS 391.700 and 391.725 applies to ~~[such~~*
25 *a probationary] any administrator ~~[] described in this subsection.~~*

26 3. The admonition, demotion and suspension provisions of NRS 391.650 to
27 391.800, inclusive, do not apply to a postprobationary teacher who is employed as a
28 probationary administrator primarily to provide administrative services at the
29 school level and not primarily to provide direct instructional services to pupils,
30 regardless of whether licensed as a teacher or administrator, including, without
31 limitation, a principal and vice principal, with respect to his or her employment in
32 the administrative position. The policy for evaluations prescribed in NRS 391.700
33 and 391.725 applies to such a probationary administrator.

34 4. The provisions of NRS 391.650 to 391.800, inclusive, do not apply to a
35 teacher whose employment is suspended or terminated pursuant to subsection 3 of
36 NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

37 5. A licensed employee who is employed in a position fully funded by a
38 federal or private categorical grant or to replace another licensed employee during
39 that employee's leave of absence is employed only for the duration of the grant or
40 leave. Such a licensed employee and licensed employees who are employed on
41 temporary contracts for 90 school days or less, or its equivalent in a school district
42 operating under an alternative schedule authorized pursuant to NRS 388.090, to
43 replace licensed employees whose employment has terminated after the beginning
44 of the school year are entitled to credit for that time in fulfilling any period of
45 probation and during that time the provisions of NRS 391.650 to 391.826,
46 inclusive, *and section 2 of this act* for demotion, suspension or dismissal apply to
47 them.

48 **Sec. 6.** NRS 391.660 is hereby amended to read as follows:

49 391.660 Excluding the provisions of NRS 391.730, *and section 2 of this act,*
50 the provisions of NRS 391.650 to 391.826, inclusive, do not apply to a teacher ~~[]~~
51 ~~administrator]~~ or other licensed employee who has entered into a contract with the
52 board negotiated pursuant to chapter 288 of NRS if the contract contains separate

provisions relating to the board's right to dismiss or refuse to reemploy the employee. ~~for demote an administrator.~~

Sec. 7. NRS 391.700 is hereby amended to read as follows:

391.700 *Except as otherwise provided in section 2 of this act:*

1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal. The policy must also provide for the evaluation of those administrators at the district level who provide direct supervision of the principal of a school. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. The person charged with the evaluation of an administrator pursuant to NRS 391.705 or 391.710 shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.

Sec. 8. NRS 391.730 is hereby amended to read as follows:

391.730 ~~[A]~~ *Except as otherwise provided in section 2 of this act, a* postprobationary employee who receives an evaluation designating his or her overall performance as:

1. Ineffective; or

2. Developing during 1 year of the 2-year consecutive period and ineffective during the other year of the period,

➤ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.826, inclusive, *and section 2 of this act* and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 9. NRS 391.775 is hereby amended to read as follows:

391.775 *Except as otherwise provided in section 2 of this act:*

1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer pursuant to NRS 391.765 to 391.800, inclusive, or if a dismissal of the employee will occur before the completion of the current school year or if the employee is deemed to be a probationary employee pursuant to NRS 391.730 and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.

(c) Refer to chapter 391 of NRS.

3. If a postprobationary employee or an employee who is deemed to be a probationary employee pursuant to NRS 391.730 receives notice that he or she will be dismissed before the completion of the current school year, the employee may

request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.770, 391.785 and 391.795 do not apply.

Sec. 10. NRS 391.820 is hereby amended to read as follows:

391.820 *Except as otherwise provided in section 2 of this act:*

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 during the first, second and third school years of the employee's probationary period 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 during the first, second or third year of the employee's probationary period 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.

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.

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

1 licensed as a teacher or administrator, including, without limitation, a principal and
2 vice principal, or a postprobationary teacher who is employed as an administrator to
3 provide those administrative services shall be deemed to be a probationary
4 employee for the purposes of this section and must serve a 3-year probationary
5 period as an administrator in accordance with the provisions of this section. If:

6 (a) A postprobationary teacher who is an administrator is not reemployed as an
7 administrator after any year of his or her probationary period; and

8 (b) There is a position as a teacher available for the ensuing school year in the
9 school district in which the person is employed,

10 ➤ the board of trustees of the school district shall, on or before May 1 or May 15,
11 as applicable, offer the person a contract as a teacher for the ensuing school year.
12 The person may accept the contract in writing on or before May 10 or May 25, as
13 applicable. If the person fails to accept the contract as a teacher, the person shall be
14 deemed to have rejected the offer of a contract as a teacher.

15 9. An administrator who has completed his or her probationary period
16 pursuant to subsection 8 and is thereafter promoted to the position of principal must
17 serve an additional probationary period of 1 year in the position of principal. If an
18 administrator is promoted to the position of principal before completion of his or
19 her probationary period pursuant to subsection 8, the administrator must serve the
20 remainder of his or her probationary period pursuant to subsection 8 or an
21 additional probationary period of 1 year in the position of principal, whichever is
22 longer. If the administrator serving the additional probationary period is not
23 reemployed as a principal after the expiration of the probationary period or
24 additional probationary period, as applicable, the board of trustees of the school
25 district in which the person is employed shall, on or before May 1 or May 15, as
26 applicable, offer the person a contract for the ensuing school year for the
27 administrative position in which the person attained postprobationary status. The
28 person may accept the contract in writing on or before May 10 or May 25, as
29 applicable. If the person fails to accept such a contract, the person shall be deemed
30 to have rejected the offer of employment.

31 **Sec. 11.** Insofar as they conflict with the provisions of such an agreement, the
32 amendatory provisions of this act do not apply during the current term of any
33 contract of employment or collective bargaining agreement entered into before July
34 1, 2023, but do apply to any extension or renewal of such an agreement and to any
35 agreement entered into on or after July 1, 2023. For the purposes of this section, the
36 term of an agreement ends on the date provided in the agreement, notwithstanding
37 any provision of the agreement that it remains in effect, in whole or in part, after
38 that date until a successor agreement becomes effective.

39 **Sec. 12.** This act becomes effective on July 1, 2023.