

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; requiring certain postprobationary school administrators to apply for reappointment to their administrative positions; 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; 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 on recommendation of the superintendent of the school district.

Section 3 of this bill provides that a postprobationary administrator, other than certain principals or administrators who may be members of a separate bargaining unit, must apply to the superintendent of the school district for reappointment to the administrative position every 5 years.

Sections 4-10 of this bill make changes to conform with the changes made by **sections 2 and 3**.



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; 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, 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 on recommendation of the superintendent and is entitled, on dismissal, to a written statement of the reasons for dismissal.

Sec. 3. 1. *Each postprobationary administrator employed by a school district, except a principal, assistant principal or other school administrator, school district administrator or central office administrator below the rank of superintendent, associate superintendent or assistant superintendent who may be a member of a separate bargaining unit pursuant to NRS 288.170, must apply to the superintendent for reappointment to his or her administrative position every 5 years.*

2. If an administrator is not reappointed to his or her administrative position pursuant to this section and was previously employed by the school district in another position, the



administrator is entitled to be assigned to his or her former position at the rate of compensation provided for that position.

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 sections 2 and 3 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 sections 2 and 3 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. "Postprobationary 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.

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

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

391.655 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to 391.826, inclusive, *and sections 2 and 3 of this act* do not apply to:



(a) Substitute teachers; or

(b) Adult education teachers.

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

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

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

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

(d) *An administrator described in subsection 2 of section 3 of this act.*

(e) A new employee who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal. ~~{The}~~

↳ Insofar as the policy is consistent with the provisions of sections 2 and 3 of this act, the policy for evaluations prescribed in NRS 391.700 and 391.725 applies to ~~{such a probationary}~~ any administrator ~~{}~~ described in this subsection.

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

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

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school



district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.650 to 391.826, inclusive, *and sections 2 and 3 of this act* for demotion, suspension or dismissal apply to them.

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

391.660 Excluding the provisions of NRS 391.730, *and sections 2 and 3 of this act*, the provisions of NRS 391.650 to 391.826, inclusive, do not apply to a teacher ~~[- administrator]~~ or other licensed employee who has entered into a contract with the 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 sections 2 and 3 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 sections 2 and 3 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 sections 2 and 3 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 sections 2 and 3 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



1 probationary period, his or her employment ends on the last day of
2 the current school year. The notice that the employee will not be
3 reemployed must include a statement of the reasons for that
4 decision.

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

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

18 (b) There is a position as a teacher available for the ensuing
19 school year in the school district in which the person is employed,
20 ➡ the board of trustees of the school district shall, on or before
21 May 1 or May 15, as applicable, offer the person a contract as a
22 teacher for the ensuing school year. The person may accept the
23 contract in writing on or before May 10 or May 25, as applicable. If
24 the person fails to accept the contract as a teacher, the person shall
25 be deemed to have rejected the offer of a contract as a teacher.

26 9. An administrator who has completed his or her probationary
27 period pursuant to subsection 8 and is thereafter promoted to the
28 position of principal must serve an additional probationary period of
29 1 year in the position of principal. If an administrator is promoted to
30 the position of principal before completion of his or her
31 probationary period pursuant to subsection 8, the administrator must
32 serve the remainder of his or her probationary period pursuant to
33 subsection 8 or an additional probationary period of 1 year in the
34 position of principal, whichever is longer. If the administrator
35 serving the additional probationary period is not reemployed as a
36 principal after the expiration of the probationary period or additional
37 probationary period, as applicable, the board of trustees of the
38 school district in which the person is employed shall, on or before
39 May 1 or May 15, as applicable, offer the person a contract for
40 the ensuing school year for the administrative position in which the
41 person attained postprobationary status. The person may accept the
42 contract in writing on or before May 10 or May 25, as applicable. If
43 the person fails to accept such a contract, the person shall be deemed
44 to have rejected the offer of employment.



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

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

