

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; 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.

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*



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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:

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

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



1 act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405,
2 inclusive, 453.560 or 453.562; or

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

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

12 6. "Probationary employee" means:

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

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

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

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

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

24 391.655 1. The demotion, suspension, dismissal and
25 nonreemployment provisions of NRS 391.650 to 391.826, inclusive,
26 *and section 2 of this act* do not apply to:

27 (a) Substitute teachers; or

28 (b) Adult education teachers.

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

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

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

37 (c) *A principal who is employed at will pursuant to subsection*
38 *2 of section 2 of this act.*

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



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

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

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

20 5. A licensed employee who is employed in a position fully
21 funded by a federal or private categorical grant or to replace another
22 licensed employee during that employee's leave of absence is
23 employed only for the duration of the grant or leave. Such a licensed
24 employee and licensed employees who are employed on temporary
25 contracts for 90 school days or less, or its equivalent in a school
26 district operating under an alternative schedule authorized pursuant
27 to NRS 388.090, to replace licensed employees whose employment
28 has terminated after the beginning of the school year are entitled to
29 credit for that time in fulfilling any period of probation and during
30 that time the provisions of NRS 391.650 to 391.826, inclusive, *and*
31 *section 2 of this act* for demotion, suspension or dismissal apply to
32 them.

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

34 391.660 Excluding the provisions of NRS 391.730, *and*
35 *section 2 of this act*, the provisions of NRS 391.650 to 391.826,
36 inclusive, do not apply to a teacher ~~[-, administrator]~~ or other
37 licensed employee who has entered into a contract with the board
38 negotiated pursuant to chapter 288 of NRS if the contract contains
39 separate provisions relating to the board's right to dismiss or refuse
40 to reemploy the employee. ~~for demote an administrator.]~~

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

42 391.700 *Except as otherwise provided in section 2 of this act:*

43 1. Each board, following consultation with and involvement of
44 elected representatives of administrative personnel or their
45 designated representatives, shall develop an objective policy for the



1 objective evaluation of administrators in narrative form. The policy
2 must provide for the evaluation of those administrators who provide
3 primarily administrative services at the school level and who do not
4 provide primarily direct instructional services to pupils, regardless
5 of whether such an administrator is licensed as a teacher or
6 administrator, including, without limitation, a principal and a vice
7 principal. The policy must also provide for the evaluation of those
8 administrators at the district level who provide direct supervision of
9 the principal of a school. The policy must comply with the statewide
10 performance evaluation system established by the State Board
11 pursuant to NRS 391.465. The policy may include an evaluation by
12 the administrator, superintendent, pupils or other administrators or
13 any combination thereof. A copy of the policy adopted by the board
14 must be filed with the Department and made available to the
15 Commission.

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

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

21 391.730 ~~[A]~~ *Except as otherwise provided in section 2 of this*
22 *act, a* postprobationary employee who receives an evaluation
23 designating his or her overall performance as:

24 1. Ineffective; or

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

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

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

33 391.775 *Except as otherwise provided in section 2 of this act:*

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

39 2. The notice must:

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

42 (b) Inform the employee that, if a written request therefor is
43 directed to the superintendent within 10 days after receipt of the
44 notice, the employee is entitled to a hearing before a hearing officer
45 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



1 the year under his or her contract whether the employee is to be
2 reemployed for the second or third year of the probationary period
3 or for the fourth school year as a postprobationary employee. Failure
4 of the board to notify a probationary employee in writing within the
5 prescribed period in the first or second year of the probationary
6 period does not entitle the employee to postprobationary status. The
7 employee must advise the board in writing within 10 days after the
8 date of notification of his or her acceptance or rejection of
9 reemployment for another year. Failure to advise the board of the
10 employee's acceptance of reemployment pursuant to this subsection
11 constitutes rejection of the contract.

12 6. A probationary employee who:

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

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

17 (c) Receives a notice of reemployment from the school district
18 in the third year of the employee's probationary period,
19 ➤ is entitled to be a postprobationary employee in the ensuing year
20 of employment.

21 7. If a probationary employee is notified that the employee will
22 not be reemployed for the school year following the 3-year
23 probationary period, his or her employment ends on the last day of
24 the current school year. The notice that the employee will not be
25 reemployed must include a statement of the reasons for that
26 decision.

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

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

40 (b) There is a position as a teacher available for the ensuing
41 school year in the school district in which the person is employed,
42 ➤ the board of trustees of the school district shall, on or before
43 May 1 or May 15, as applicable, offer the person a contract as a
44 teacher for the ensuing school year. The person may accept the
45 contract in writing on or before May 10 or May 25, as applicable. If



1 the person fails to accept the contract as a teacher, the person shall
2 be deemed to have rejected the offer of a contract as a teacher.

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

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

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

