

ASSEMBLY BILL NO. 225—COMMITTEE ON WAYS AND MEANS

MARCH 2, 2011

Referred to Committee on Education

SUMMARY—Requires an additional probationary period for certain teachers and administrators. (BDR 34-876)

FISCAL NOTE: Effect on Local Government: No.
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 educational personnel; requiring certain teachers and administrators who receive unsatisfactory evaluations to serve an additional probationary period; authorizing certain employees to request an expedited hearing under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that each teacher and administrator who is employed by a
2 school district in this State must serve a 2-year probationary period, unless the
3 second year of the probationary period is waived by the superintendent of schools
4 of the school district or the superintendent’s designee. A probationary employee
5 who completes his or her probationary period and receives a notice of
6 reemployment from the school district becomes a postprobationary employee in the
7 ensuing year of employment. (NRS 391.3197) Existing law also provides that a
8 postprobationary teacher or administrator must be evaluated at least once each year.
9 (NRS 391.3125, 391.3127) **Section 1** of this bill provides that a postprobationary
10 teacher or administrator who receives an unsatisfactory evaluation for 2
11 consecutive years shall be deemed to be a probationary employee and must serve an
12 additional probationary period. **Section 4** of this bill provides that the provisions of
13 **section 1** do not apply if superseded by the terms of a collective bargaining
14 agreement. **Section 5** of this bill authorizes a teacher or administrator who is
15 deemed to be a probationary employee pursuant to **section 1** and who receives
16 notice that he or she will be dismissed before the completion of the current school
17 year to request an expedited hearing pursuant to the expedited hearing procedures
18 established by the American Arbitration Association.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 391 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *A postprobationary employee who receives an unsatisfactory*
4 *evaluation for 2 consecutive years shall be deemed to be a*
5 *probationary employee for the purposes of NRS 391.311 to*
6 *391.3197, inclusive, and must serve an additional probationary*
7 *period in accordance with the provisions of NRS 391.3197.*

8 **Sec. 2.** NRS 391.311 is hereby amended to read as follows:

9 391.311 As used in NRS 391.311 to 391.3197, inclusive, *and*
10 *section 1 of this act*, unless the context otherwise requires:

11 1. “Administrator” means any employee who holds a license as
12 an administrator and who is employed in that capacity by a school
13 district.

14 2. “Board” means the board of trustees of the school district in
15 which a licensed employee affected by NRS 391.311 to 391.3197,
16 inclusive, *and section 1 of this act* is employed.

17 3. “Demotion” means demotion of an administrator to a
18 position of lesser rank, responsibility or pay and does not include
19 transfer or reassignment for purposes of an administrative
20 reorganization.

21 4. “Immorality” means:

22 (a) An act forbidden by NRS 200.366, 200.368, 200.400,
23 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,
24 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337,
25 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

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

30 5. “Postprobationary employee” means an administrator or a
31 teacher who has completed the probationary period as provided in
32 NRS 391.3197 and has been given notice of reemployment. *The*
33 *term does not include a person who is deemed to be a probationary*
34 *employee pursuant to section 1 of this act.*

35 6. “Probationary employee” means ~~an~~ :

36 (a) An administrator or a teacher who is employed for the period
37 set forth in NRS 391.3197 ~~;~~; *and*

38 (b) *A person who is deemed to be a probationary employee*
39 *pursuant to section 1 of this act.*

40 7. “Superintendent” means the superintendent of a school
41 district or a person designated by the board or superintendent to act
42 as superintendent during the absence of the superintendent.



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

4 **Sec. 3.** NRS 391.3115 is hereby amended to read as follows:

5 391.3115 1. The demotion, suspension, dismissal and
6 nonreemployment provisions of NRS 391.311 to 391.3197,
7 inclusive, *and section 1 of this act* do not apply to:

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

10 2. The provisions of NRS 391.311 to 391.3194, inclusive, do
11 not apply to a teacher whose employment is suspended or
12 terminated pursuant to subsection 3 of NRS 391.120 or NRS
13 391.3015 for failure to maintain a license in force.

14 3. A licensed employee who is employed in a position fully
15 funded by a federal or private categorical grant or to replace another
16 licensed employee during that employee's leave of absence is
17 employed only for the duration of the grant or leave. Such a licensed
18 employee and licensed employees who are employed on temporary
19 contracts for 90 school days or less, or its equivalent in a school
20 district operating under an alternative schedule authorized pursuant
21 to NRS 388.090, to replace licensed employees whose employment
22 has terminated after the beginning of the school year are entitled to
23 credit for that time in fulfilling any period of probation and during
24 that time the provisions of NRS 391.311 to 391.3197, inclusive, *and*
25 *section 1 of this act* for demotion, suspension or dismissal apply to
26 them.

27 **Sec. 4.** NRS 391.3116 is hereby amended to read as follows:

28 391.3116 The provisions of NRS 391.311 to 391.3197,
29 inclusive, *and section 1 of this act* do not apply to a teacher,
30 administrator, or other licensed employee who has entered into a
31 contract with the board negotiated pursuant to chapter 288 of NRS if
32 the contract contains separate provisions relating to the board's right
33 to dismiss or refuse to reemploy the employee or demote an
34 administrator.

35 **Sec. 5.** NRS 391.317 is hereby amended to read as follows:

36 391.317 1. At least 15 days before recommending to a board
37 that it demote, dismiss or not reemploy a postprobationary
38 employee, or dismiss or demote a probationary employee, the
39 superintendent shall give written notice to the employee, by
40 registered or certified mail, of the superintendent's intention to
41 make the recommendation.

42 2. The notice must:

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



1 (b) Inform the employee that, if a written request therefor is
2 directed to the superintendent within 10 days after receipt of the
3 notice, the employee is entitled to a hearing before a hearing officer
4 ~~[-]~~ *pursuant to NRS 391.315 to 391.3194, inclusive, or if the*
5 *employee is deemed to be a probationary employee pursuant to*
6 *section 1 of this act and dismissal of the employee will occur*
7 *before the completion of the current school year, the employee*
8 *may request an expedited hearing pursuant to subsection 3.*

9 (c) Refer to chapter 391 of NRS.

10 3. *If an employee who is deemed to be a probationary*
11 *employee pursuant to section 1 of this act receives notice pursuant*
12 *to subsection 1 that he or she will be dismissed before the*
13 *completion of the current school year, the employee may request*
14 *an expedited hearing pursuant to the Expedited Labor Arbitration*
15 *Procedures established by the American Arbitration Association*
16 *or its successor organization. If the employee elects to proceed*
17 *under the expedited procedures, the provisions of NRS 391.3161,*
18 *391.3192 and 391.3193 do not apply.*

19 **Sec. 6.** This act becomes effective on July 1, 2011.

