

SEPARATION OF LICENSED PERSONNEL

Procedures for separation of licensed employees from service in the District cover three broad categories:

1. Resignation (including retirement and abandonment of position)
2. Dismissal
3. Non-renewal of Contract

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SEPARATION OF LICENSED PERSONNEL - ADMINISTRATIVE REGULATIONS

1. Resignation of Licensed Personnel (Including Retirement)

General Resignation – Licensed staff are expected to tender their resignation in writing, to the Superintendent/designee at least three (3) months or ninety (90) days prior to their requested separation date. Resignations will then be presented to the Board of Trustees for final acceptance.

If a licensed staff member submits a resignation which is to take effect prior to the completion of the contract and the Board of Trustees accepts the resignation, the Superintendent/designee shall make the necessary arrangements for payment of the pay due the employee based on the actual time of employment, but less any penalties for breach of contract and/or repayments for signing bonuses, etc.

2. Dismissal or Non-Renewal of Contract of Probationary Licensed Personnel

A probationary employee is employed on a contract basis for three (3) one-year periods and has no right to employment after any of the three (3) probationary contract years (NRS 391.820(1)). (NOTE: See LCSD Board Policy GDBA: Performance Evaluations-Administrative Regulations (3) and NRS 391.820-826 for specific procedures of probationary licensed personnel dismissal and non-renewal of contract.)

3. Dismissal or Non-Renewal of Contract of Post-Probationary Licensed Personnel

Any licensed employee may be dismissed or not reemployed for one or more of the following reasons as provided in NRS 391.750.

- a. Inefficiency
- b. Immorality
- c. Unprofessional conduct
- d. Insubordination
- e. Neglect of duty
- f. Physical or mental incapacity
- g. A justifiable decrease in the number of positions due to decreased enrollment or District reorganization
- h. Conviction of a felony or of a crime involving moral turpitude
- i. Inadequate performance
- j. Evident unfitness for service
- k. Failure to comply with such reasonable requirements as the Board of Trustees may prescribe
- l. Failure to show normal improvement and evidence of professional training and growth

- m. Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence, or other unlawful means; or the advocating or teaching of communism with the intent to indoctrinate students to subscribe to communistic philosophy
- n. Any cause which constitutes grounds for the revocation of a teacher's license
- o. Willful neglect or failure to observe and carry out the requirements of NRS 391
- p. Dishonesty
- q. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 390.270 or 390.275\*
- r. An intentional violation of NRS 388.497 or 388.499
- s. Knowingly and willfully failing to comply with the provisions of NRS 388.1351, Reporting of Bullying and Cyberbullying\*\*
- t. Knowingly and willfully violating any provision of NRS 391.850 to 391.930
- u. Gross misconduct
- v. An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation

*\* If a teacher or administrator is found, through an investigation of a testing irregularity, to have willfully breached the security or confidentiality of the questions and answer of examination administered pursuant to NRS 390.105, or the college and career readiness assessment administered pursuant to NRS 390.610, the board of trustees of a school district shall:*

*- Suspend, dismiss, or fail to reemploy the teacher, or*

*- Demote, suspend, dismiss, or fail to reemploy the administrator.*

*\*\*If an administrator, principal, or the designee of an administrator or principal of a school knowingly and willfully fails to comply with the provisions of NRS 388.1351, the Superintendent of the school district shall take disciplinary action against the employee by written admonishment, demotion, suspension, dismissal, or refusal to reemploy. If the employee is the holder of a license issued pursuant to Chapter 391 of NRS, the Superintendent of the school district may recommend to the board of trustees of the school district that the board submit a recommendation to the State Board for the suspension or revocation of license.*

In determining whether the professional performance of any licensed employee is inadequate, the administrator shall consider the regular and special evaluation reports prepared in accordance with the policies, regulations, or any written standards of performance which have been adopted by the Board of Trustees.

When it is deemed desirable to recommend dismissal or non-renewal of a contract for any post-probationary licensed employee, the Superintendent/designee shall fulfill the requirements specified for the notification of such licensed employee pursuant to the requirements of NRS 391.775.

3. Calendar for Action

In accordance with NRS 391, actions required for recommendation of demotion, dismissal, or non-reemployment for post-probationary licensed employees must take place within the time limits specified below, except as provided in section 4 below.

a. At least 15 days before recommending to the Board of Trustees that it demote, dismiss, or not reemploy a post-probationary employee, the District Superintendent/designee shall give written notice to the employee, by registered or certified mail, of the intention to make the recommendation.

b. The notice must:

- Inform the licensed employee of the grounds for the recommendation.
- Inform the employee that, if a written request therefore is directed to the District Superintendent/designee within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer.
  - i. If a request for a hearing is not made within the time allowed, the District Superintendent will file the recommendation with the Board of Trustees for their action. If a request for a hearing is made within the allocated time, the District Superintendent will not file the recommendation with the Board of Trustees until a report of the hearing officer is filed.
  - ii. If a post-probationary employee is being dismissed before the completion of the current school year, the employee may request an expedited hearing.
- Within 10 days of receipt of notice:
  - i. The employee must request, in writing to the District Superintendent/designee, a hearing before a hearing officer to be appointed by the State Superintendent of Public Instruction or a hearing officer from the American Arbitration Association.
  - ii. The District Superintendent/designee shall notify the State Superintendent of Public Instruction of the request for a hearing.
- Within 10 days of receipt of request for hearing:
  - i. The State Superintendent of Public Instruction shall request that the Hearings Division of the Department of Administration appoint a hearings officer OR the employee and the District Superintendent may mutually select an attorney who is a resident of Nevada, an arbitrator provided by the American Arbitration Association or a representative of an agency or

organization that provides alternative dispute resolution services to serve as a hearing officer.

ii. As soon as possible after the time of the designation, the hearing officer shall hold a hearing to determine if the grounds for the recommendation are substantiated.

- Within 30 days of the hearing officer's designation:

The hearing shall be concluded.

- Within 15 days of conclusion of hearing:

The hearing officer shall file a written report with the District Superintendent/designee and the employee, unless extended by the hearing officer, not to exceed 30 days from the date of the hearing.

- Within five days of receipt of report:

The District Superintendent/designee will either withdraw the recommendation for dismissal or non-reemployment or file such recommendation with the Board of Trustees.

- Within 15 days after the receipt of the recommendation of the District Superintendent:

The Board of Trustees shall either accept or reject the hearing officer recommendation and notify the licensed employee in writing of its decision.

#### 4. Immediate Suspension

If a District Superintendent believes there is cause for dismissal and that the immediate suspension of the employee is necessary, an employee may be suspended without notice and without a hearing by following the requirements of NRS 391.760.