

EUREKA COUNTY SCHOOL DISTRICT

SEPARATION FROM DISTRICT SERVICE

Procedures for separation of licensed employees from district service cover two broad categories:

1. Resignation (including retirement)
2. Dismissal (including non-renewal of contract)

Resignation

A licensed employee under contract or a classified employee who wishes to resign shall submit a written resignation to the superintendent of schools. A notice of thirty (30) working days should be given whenever possible. Early notification will give the district time to obtain a satisfactory replacement.

The superintendent shall have the authority to accept the resignation on behalf of the Board of Trustees. Resignations submitted by licensed and classified employees of the school district and accepted by the superintendent will be presented as an information item to the Board of Trustees at the next scheduled school board meeting.

Once accepted, a resignation submitted during the school year will be effective on a date acceptable to the school district. At the time a resignation is received and accepted by the superintendent and determination to replace the licensed employee has been made, a vacancy shall exist and appropriate action shall be initiated to fill the position.

An employee may not withdraw or rescind his/her resignation once it has been accepted by the superintendent. The superintendent shall notify employees in writing of the acceptance of the resignation. A resignation may be rescinded only by the superintendent or the Board of School Trustees.

If a resignation is submitted which is to take effect prior to the completion of a contract and it is accepted, the superintendent shall make the necessary arrangements for the payment of salary due the employee based up on the actual time of employment as related to the total contract.

Licensed employees who break their contractual obligation without consent of the superintendent or Board of School Trustees are subject to disciplinary measures (suspension and revocation of teaching licenses) as established in NRS 391.350.

Return of District Property:

To resign in good standing, an employee must return all District property, including clothing, keys, tools, equipment, and other items of value.

No Notice:

Failure to give notice as required by this section may constitute cause for denying future employment by the District, unless there are extenuating circumstances surrounding the failure to give notice.

Job Abandonment:

Employees who are absent from work without approved leave for a period of five (5) consecutive workdays may be considered by the District to have abandoned their position and may be considered to have resigned.

Final Paycheck:

A paycheck may be issued within twenty-four (24) hours following the last day of employment when an employees resigns in good standing and shall be issued not later than seven (7) days following a resignation.

Dismissal

Any licensed employee may be dismissed or not reemployed for one or more of the following reasons as provided in NRS 391.312.

- 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 pupils 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 Title 34, Nevada Revised Statutes
- 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 389.616 or 389.620*
- r. An intentional violation of NRS 388.5265 or 388.527
- s. Knowingly and willfully failing to comply with the provisions of NRS 388.1351, Reporting of Bullying and Cyber-Bullying**
- t. Gross misconduct
- u. Failure to report arrests and convictions as required in GBB26

** 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 389.550 or 389.805, or the college and career readiness assessment administered pursuant to NRS 389.807, 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 may have been adopted by the Board of Trustees.

When it is deemed desirable to recommend dismissal or non-renewal of contract for any licensed employee, the Superintendent shall fulfill the requirements specified for the notification of such licensed employee pursuant to the requirements of NRS 391.317.

The Board of Trustees may recommend that a superintendent be dismissed or not reemployed and may request the appointment of a hearing officer, depending on the grounds for the recommendation.

Dismissal, Demotion, or Non-Reemployment – Action Timeline

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.

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 his/her intention to make the recommendation.

The notice must:

- 1) Inform the licensed employee of the grounds for the recommendation.
- 2) 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.
- 3) If a request for a hearing is not made within the time allowed, the District Superintendent will file his/her 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 his/her recommendation with the Board of Trustees until a report of the hearing officer is filed.

- 4) 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:

The employee may 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.

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:

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.

As soon as possible after the time of his/her 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 his/her 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.

Immediate Suspension

If a District Superintendent believes there is cause for dismissal and that the immediate suspension of the employee is necessary, s/he may suspend an employee without notice and without a hearing by following the requirements of NRS 391.314.