

Nevada Administrative Code (NAC) 388G.XXX

1. As used in this subsection and for purposes of the implementation of paragraph 4 of NRS 388G.610:

- (a) “Large school district” has the meaning ascribed to it in NRS 388G.530.*
- (b) “Active discipline” shall mean any documented disciplinary action, including a grieved disciplinary document, taken within:
 - (1) Two years and one day, if no subsequent documented disciplinary action has been taken during that time; or*
 - (2) Three years and one day, if a subsequent documented disciplinary action has been taken during the two years following the initial disciplinary action.**
- (c) A “documented disciplinary action” shall mean any, written warning, admonition, suspension, or dismissal.*
- (d) A “grieved disciplinary document” shall mean a dispute concerning the disciplinary document which arises regarding an interpretation, application, or alleged violation of any provisions of the collective bargaining agreement.*
- (e) “In good standing” shall refer to a teacher who:
 - (1) Holds a valid educator license in the State of Nevada;*
 - (2) Has, on each evaluation completed within the most recent school year, achieved a summative rating of “effective” or higher on the Nevada Educator Performance Framework (NEPF) or “developing” or higher for educators in their initial term of probation;*
 - (3) Has no active discipline in the employee’s personnel file;*
 - (4) Has had fewer than 10 absences during the last school year, other than for documented medical reasons; and*
 - (5) Is not prohibited from employment as an educator in this State by reason of sexual offenses or sexual misconduct pursuant to NRS 391.850 through 391.930, inclusive.**
- (f) “To the greatest extent possible” shall mean that:
 - (1) The school district has completed all reasonable due diligence prior to extending an offer of employment, including that required by NRS 391.850 through 391.930, inclusive, and the principal justifies that the prospective hire satisfactorily meets the needs of the local school precinct and the position to be filled as evidenced in the Plan of Operation and/or Master Staffing Schedule and is an educator “in**

good standing” as defined in paragraph (e) of this subsection.

2. A principal of a local school precinct:

- (a) Shall have the discretion to select a candidate to fill a vacancy who does not meet the definition of “in good standing”; and*
- (b) Shall have the ability, during any open transfer period or teacher surplus process, or during the hiring of new teachers by the District at any point of the school year, to select candidates that meet the needs of the local school precinct and the position to be filled as evidenced in the Plan of Operation and/or Master Staffing Schedule.*

3. A large school district:

- (a) Shall make a list with an applied designation of “in good standing” or “not in good standing” of all eligible licensed teacher candidates, to include contact information, available for review by any principal of a local school precinct and shall provide each principal with the ability to see all eligible licensed candidates within the current electronic human resources system of the large school district;*
- (b) Shall develop procedures for principals, in instances in which a substitute teacher licensed pursuant to NAC 391.0897 is selected to fill a vacancy, to:*
 - (1) Document compliance with the “to the greatest extent possible” standard defined in subparagraph (d) of subsection 1; and*
 - (2) Document the justifiable reasons, which may not include financial savings, why a licensed teacher was not chosen, if one was available for hire, based upon the school’s Master Staffing Schedule and approved Plan of Operation; and*
 - (3) Actively monitor any selection of a substitute to fill a teacher vacancy; and*
 - (4) Ensure that an emergency substitute is hired to temporarily fill a vacancy only when a licensed teacher or a substitute teacher licensed pursuant to NAC 391.0897 is not available.*
- (c) Shall not place any licensed teacher at a local school precinct at any time during a school year if a principal has met the regulation’s meaning of “to the greatest extent possible”; and*
- (d) May place an available licensed teacher “in good standing” in a vacant position at a local school precinct, in lieu of a substitute teacher, only if a principal has not met the regulation’s meaning of “to the greatest extent*

- possible” in selecting a candidate for that position; and*
- (e) Shall provide a confidential report on all such instances described in paragraph (b) above to the State Board of Education on or before December 30 and June 30 of each year which must include, but not be limited to:*
- (1) The number of licensed teacher candidates available for the vacant position, indicating their designation of “in good standing” or “not in good standing,” at the time of the vacancy;*
 - (2) The number of licensed teacher candidates interviewed for the vacant position;*
 - (3) The reason/s why each licensed teacher candidate was not selected; and*
 - (4) The justification used for selecting a licensed substitute teacher to fill a vacancy.*