

ASSEMBLY BILL NO. 332—ASSEMBLYMEN ANDERSON, BACHE, FREEMAN,
PARNELL, KOIVISTO, CLABORN, MORTENSON, OHRENSCHALL, MCCLAIN,
BUCKLEY, LESLIE, COLLINS AND MANENDO

FEBRUARY 26, 1999

Referred to Committee on Education

SUMMARY—Makes various changes regarding evaluation and admonition of educational personnel. (BDR 34-1217)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to educational personnel; requiring the boards of trustees of school districts to adopt policies and to provide training to administrators relating to the evaluation and admonition of licensed employees; and providing other matters properly relating thereto.

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 thereto
2 a new section to read as follows:
3 ***1. Each board, in consultation with each bargaining agent, if any, of***
4 ***the licensed employees of the school district, shall adopt a written policy***
5 ***to ensure compliance with the requirement prescribed in subsection 7 of***
6 ***NRS 391.3125 and subsection 1 of NRS 391.313 that assistance must be***
7 ***provided to a licensed employee whose performance or conduct is***
8 ***determined to be deficient or unsatisfactory by an administrator charged***
9 ***with the evaluation or supervision of the employee. The policy must:***
10 ***(a) To the extent practicable, include a description of each action that***
11 ***must be taken to provide assistance to a licensed employee whose***
12 ***performance or conduct is determined to be deficient or unsatisfactory;***
13 ***(b) Identify by position or title the person or group responsible for***
14 ***carrying out each action described in paragraph (a);***
15 ***(c) Include the time by which each action must be taken; and***

1 (d) Apply to probationary employees and postprobationary employees,
2 except that the policy may provide for different forms of assistance to
3 probationary employees and postprobationary employees according to
4 the nature of the deficiency identified or conduct involved and the
5 experience of the particular employee.

6 2. Each board, in consultation with each bargaining agent, if any, of
7 the licensed employees of the school district, shall provide training to the
8 administrators who are employed by the school district concerning the
9 requirements of NRS 391.311 to 391.3197, inclusive. The training must
10 include, without limitation, instruction regarding:

11 (a) The process for the evaluation of the licensed employees of the
12 school district;

13 (b) The provisions of subsection 7 of NRS 391.3125 and subsection 1
14 of NRS 391.313 that require an administrator charged with the
15 evaluation or supervision of a licensed employee to provide assistance to
16 the employee to correct any performance or conduct determined to be
17 deficient or unsatisfactory by the administrator; and

18 (c) The policies of the school district that are applicable to the duties
19 of administrators who are charged with the evaluation of licensed
20 employees, including, without limitation, the policy adopted by the board
21 of trustees pursuant to subsection 1.

22 3. The training required by subsection 2 must be provided:

23 (a) Annually to administrators who are on probationary status; and

24 (b) When necessary to incorporate any changes in the law or policies
25 of the school district to all administrators of a school district.

26 4. If an administrator charged with the evaluation or supervision of
27 a licensed employee does not comply with the policy adopted pursuant to
28 subsection 1, the administrator shall be deemed to have violated the
29 requirement of assistance prescribed in subsection 7 of NRS 391.3125
30 and subsection 1 of NRS 391.313, or both.

31 5. As used in this section, "bargaining agent" has the meaning
32 ascribed to it in NRS 288.027.

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

34 391.311 As used in NRS 391.3115 to 391.3197, inclusive, **and section**
35 **1 of this act**, unless the context otherwise requires:

36 1. "Administrator" means any employee who holds a license as an
37 administrator and who is employed in that capacity by a school district.

38 2. "Board" means the board of trustees of the school district in which a
39 licensed employee affected by NRS 391.311 to 391.3197, inclusive, is
40 employed.

41 3. "Demotion" means demotion of an administrator to a position of
42 lesser rank, responsibility or pay and does not include transfer or
43 reassignment for purposes of an administrative reorganization.

1 4. "Immorality" means an act forbidden by NRS 200.366, 200.368,
2 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265
3 or 207.260.

4 5. "Postprobationary employee" means an administrator or a teacher
5 who has completed the probationary period as provided in NRS 391.3197
6 and has been given notice of reemployment.

7 6. "Probationary employee" means an administrator or a teacher who
8 is employed for the period set forth in NRS 391.3197.

9 7. "Superintendent" means the superintendent of a school district or a
10 person designated by the board or superintendent to act as superintendent
11 during the absence of the superintendent.

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

15 **Sec. 3.** NRS 391.3125 is hereby amended to read as follows:

16 391.3125 1. It is the intent of the legislature that a uniform system be
17 developed for objective evaluation of teachers and other licensed personnel
18 in each school district.

19 2. Each board, following consultation with and involvement of elected
20 representatives of the teachers or their designees, shall develop a policy for
21 objective evaluations in narrative form. The policy must set forth a means
22 according to which an employee's overall performance may be determined
23 to be satisfactory or unsatisfactory. The policy may include an evaluation
24 by the teacher, pupils, administrators or other teachers or any combination
25 thereof. In a similar manner, counselors, librarians and other licensed
26 personnel must be evaluated on forms developed specifically for their
27 respective specialties. A copy of the policy adopted by the board must be
28 filed with the department. The primary purpose of an evaluation is to
29 provide a format for constructive assistance. Evaluations, while not the
30 sole criterion, must be used in the dismissal process.

31 3. A conference and a written evaluation for a probationary employee
32 must be concluded ~~no~~ not later than:

33 (a) December 1;

34 (b) February 1; and

35 (c) April 1,

36 of each school year of the probationary period, except that a probationary
37 employee assigned to a school that operates all year must be evaluated at
38 least three times during each 12 months of employment on a schedule
39 determined by the board. *An administrator charged with the evaluation of
40 a probationary teacher shall personally observe the performance of the
41 teacher in the classroom for at least 3 hours during each evaluation
42 period.*

1 4. Whenever an administrator charged with the evaluation of a
2 probationary employee believes the employee will not be reemployed for
3 the second year of the probationary period or the school year following the
4 probationary period, he shall bring the matter to the employee's attention
5 in a written document which is separate from the evaluation ~~{no}~~ **not** later
6 than February 15 of the current school year. The notice must include the
7 reasons for the potential decision not to reemploy or refer to the evaluation
8 in which the reasons are stated. Such a notice is not required if the
9 probationary employee has received a letter of admonition during the
10 current school year.

11 5. Each postprobationary teacher must be evaluated at least once each
12 year. ***An administrator charged with the evaluation of a postprobationary***
13 ***teacher shall personally observe the performance of the teacher in the***
14 ***classroom for at least 2 hours during each evaluation period.***

15 6. The evaluation of a probationary teacher or a postprobationary
16 teacher must ~~{, if}~~ :

17 (a) ***If*** necessary, include recommendations for improvements in his
18 performance. ~~[A reasonable effort must be made to assist the teacher to~~
19 ~~correct any deficiencies noted in the evaluation.]~~

20 (b) ***Include a detailed description of the action that will be taken to***
21 ***assist the teacher in correcting any deficiencies reported in the***
22 ***evaluation, including, without limitation, a statement of the date by***
23 ***which that action will be taken.***

24 (c) ***Include a statement by the administrator who evaluated the***
25 ***teacher indicating the amount of time that the administrator personally***
26 ***observed the performance of the teacher in the classroom. If an***
27 ***administrator willfully falsifies the information required by this***
28 ***paragraph, the falsification shall be deemed to constitute unprofessional***
29 ***conduct for the purposes of NRS 391.330.***

30 7. The teacher must receive a copy of each evaluation not later than 15
31 days after the evaluation. A copy of the evaluation and the teacher's
32 response must be permanently attached to the teacher's personnel file. ***A***
33 ***reasonable effort must be made to assist a teacher to correct any***
34 ***deficiencies reported in the evaluation of the teacher.***

35 **Sec. 4.** NRS 391.313 is hereby amended to read as follows:

36 391.313 1. Whenever an administrator charged with supervision of a
37 licensed employee believes it is necessary to admonish the employee for a
38 reason that he believes may lead to demotion, dismissal or cause the
39 employee not to be reemployed under the provisions of NRS 391.312, he
40 shall:

41 (a) Except as otherwise provided in subsection ~~{2,}~~ **3**, bring the matter
42 to the attention of the employee involved, in writing, stating the reasons for
43 the admonition and that it may lead to his demotion, dismissal or a refusal

1 to reemploy him, and make a reasonable effort to assist the employee to
2 correct whatever appears to be the cause for his potential demotion,
3 dismissal or a potential recommendation not to reemploy him; and

4 (b) Except as otherwise provided in NRS 391.314, allow reasonable
5 time for improvement, which must not exceed 3 months for the first
6 admonition.

7 *The admonition must include a detailed description of the action that will*
8 *be taken to assist the employee in correcting the deficiency or*
9 *circumstance giving rise to the admonition, including, without limitation,*
10 *a statement of the date by which that action will be taken.*

11 2. An admonition issued to a licensed employee who, within the time
12 granted for improvement, has met the standards set for him by the
13 administrator who issued the admonition must be removed from the
14 records of the employee together with all notations and indications of its
15 having been issued. The admonition must be removed from the records of
16 the employee not later than 3 years after it is issued.

17 ~~12-1~~ 3. An administrator need not admonish an employee pursuant to
18 paragraph (a) of subsection 1 if his employment will be terminated
19 pursuant to NRS 391.3197. If by February 15 of the first or second year of
20 his probationary period a probationary employee does not receive a written
21 notice pursuant to subsection 4 of NRS 391.3125 of a potential decision
22 not to reemploy him, he must receive an admonition before any such
23 decision is made.

24 ~~13-1~~ 4. A licensed employee is subject to immediate dismissal or a
25 refusal to reemploy according to the procedures provided in NRS 391.311
26 to 391.3197, inclusive, without the admonition required by this section, on
27 grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of
28 NRS 391.312.

29 **Sec. 5.** On or before December 31, 1999, the board of trustees of each
30 school district shall adopt the written policy required by section 1 of this
31 act.

32 **Sec. 6.** 1. This section and section 5 of this act become effective
33 upon passage and approval.

34 2. Section 1 of this act becomes effective upon passage and approval
35 for the purpose of adopting a policy in accordance with that section and on
36 January 1, 2000, for all other purposes.

37 3. Sections 2, 3 and 4 of this act become effective on July 1, 1999.