

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; making various changes regarding the evaluation and admonition of educational personnel; 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.** NRS 391.3125 is hereby amended to read as follows:
2 391.3125 1. It is the intent of the legislature that a uniform system be
3 developed for objective evaluation of teachers and other licensed personnel
4 in each school district.
5 2. Each board, following consultation with and involvement of elected
6 representatives of the teachers or their designees, shall develop a policy for
7 objective evaluations in narrative form. The policy must set forth a means
8 according to which an employee's overall performance may be determined
9 to be satisfactory or unsatisfactory. The policy may include an evaluation
10 by the teacher, pupils, administrators or other teachers or any combination
11 thereof. In a similar manner, counselors, librarians and other licensed
12 personnel must be evaluated on forms developed specifically for their
13 respective specialties. A copy of the policy adopted by the board must be
14 filed with the department. The primary purpose of an evaluation is to
15 provide a format for constructive assistance. Evaluations, while not the sole
16 criterion, must be used in the dismissal process.

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

(a) December 1;

(b) February 1; and

(c) April 1,

of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. ***An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for at least 1 hour during each evaluation period.***

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

5. Each postprobationary teacher must be evaluated at least once each year. ***An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for at least 1 hour during each evaluation period.***

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~be~~ **if** :

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

(b) ***Include a description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation.***

(c) ***Include a statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.***

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file.

Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

1 **Sec. 2.** NRS 391.313 is hereby amended to read as follows:

2 391.313 1. Whenever an administrator charged with supervision of a
3 licensed employee believes it is necessary to admonish the employee for a
4 reason that he believes may lead to demotion, dismissal or cause the
5 employee not to be reemployed under the provisions of NRS 391.312, he
6 shall:

7 (a) Except as otherwise provided in subsection ~~2.1~~ 3, bring the matter to
8 the attention of the employee involved, in writing, stating the reasons for
9 the admonition and that it may lead to his demotion, dismissal or a refusal
10 to reemploy him, and make a reasonable effort to assist the employee to
11 correct whatever appears to be the cause for his potential demotion,
12 dismissal or a potential recommendation not to reemploy him; and

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

16 *The admonition must include a description of the deficiencies of the*
17 *teacher and the action that is necessary to correct those deficiencies.*

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

24 ~~2.1~~ 3. An administrator need not admonish an employee pursuant to
25 paragraph (a) of subsection 1 if his employment will be terminated pursuant
26 to NRS 391.3197. If by ~~February 15~~ **March 1** of the first or second year
27 of his probationary period a probationary employee does not receive a
28 written notice pursuant to subsection 4 of NRS 391.3125 of a potential
29 decision not to reemploy him, he must receive an admonition before any
30 such decision is made.

31 ~~3.1~~ 4. A licensed employee is subject to immediate dismissal or a
32 refusal to reemploy according to the procedures provided in NRS 391.311
33 to 391.3197, inclusive, without the admonition required by this section, on
34 grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of
35 NRS 391.312.

36 **Sec. 3.** NRS 391.3197 is hereby amended to read as follows:

37 391.3197 1. A probationary employee is employed on a contract
38 basis for two 1-year periods and has no right to employment after either of
39 the two probationary contract years.

40 2. The board shall notify each probationary employee in writing on or
41 before May 1 of the first and second school years of his probationary
42 period, as appropriate, whether he is to be reemployed for the second year
43 of the probationary period or for the next school year as a postprobationary

1 employee. The employee must advise the board in writing on or before
2 May 10 of the first or second year of his probationary period, as
3 appropriate, of his acceptance of reemployment. If a probationary
4 employee is assigned to a school that operates all year, the board shall
5 notify him in writing, in both the first and second years of his probationary
6 period, no later than 45 days before his last day of work for the year under
7 his contract whether he is to be reemployed for the second year of the
8 probationary period or for the next school year as a postprobationary
9 employee. He must advise the board in writing within 10 days after the date
10 of notification of his acceptance or rejection of reemployment for another
11 year. Failure to advise the board of his acceptance of reemployment
12 constitutes rejection of the contract.

13 3. A probationary employee who completes his 2-year probationary
14 period and receives a notice of reemployment from the school district in the
15 second year of his probationary period is entitled to be a postprobationary
16 employee in the ensuing year of employment.

17 4. ~~{A} If a~~ probationary employee ~~{who receives an unsatisfactory~~
18 ~~evaluation}~~ *receives notice pursuant to subsection 4 of NRS 391.3125 not*
19 *later than March 1 of a potential decision not to reemploy him, the*
20 *employee* may request a supplemental evaluation by another administrator
21 in the school district selected by him and the superintendent. If a school
22 district has five or fewer administrators, the supplemental evaluator may be
23 an administrator from another school district in ~~{the}~~ *this* state. If a
24 probationary employee has received during the first school year of his
25 probationary period three evaluations which state that the employee's
26 overall performance has been satisfactory, the superintendent of schools of
27 the school district or his designee shall waive the second year of the
28 employee's probationary period by expressly providing in writing on the
29 final evaluation of the employee for the first probationary year that the
30 second year of his probationary period is waived. Such an employee is
31 entitled to be a postprobationary employee in the ensuing year of
32 employment.

33 5. If a probationary employee is notified that he will not be reemployed
34 for the second year of his probationary period or the ensuing school year,
35 his employment ends on the last day of the current school year. The notice
36 that he will not be reemployed must include a statement of the reasons for
37 that decision.

38 6. A new employee or a postprobationary teacher who is employed as
39 an administrator shall be deemed to be a probationary employee for the
40 purposes of this section and must serve a 2-year probationary period as an
41 administrator in accordance with the provisions of this section. If the
42 administrator does not receive an unsatisfactory evaluation during the first
43 year of probation, the superintendent or his designee shall waive the second

1 year of the administrator's probationary period. Such an administrator is
2 entitled to be a postprobationary employee in the ensuing year of
3 employment. If a postprobationary teacher who is an administrator is not
4 reemployed in that capacity after either year of his probationary period, he
5 may accept a contract as a teacher for the ensuing school year in writing on
6 or before May 10. If he fails to accept the contract as a teacher, he shall be
7 deemed to have rejected the offer of a contract as a teacher.

8 7. An administrator who has completed his probationary period
9 pursuant to subsection 6 and is thereafter promoted to the position of
10 principal must serve an additional probationary period of 1 year in the
11 position of principal. If the administrator serving the additional
12 probationary period is not reemployed in that capacity after the expiration
13 of the additional probationary period, he may accept a contract for the
14 ensuing school year, in writing, on or before May 10, for the administrative
15 position in which he attained postprobationary status. If he fails to accept
16 such a contract, he shall be deemed to have rejected the offer of
17 employment.

18 8. Before dismissal, the probationary employee is entitled to a hearing
19 before a hearing officer which affords due process as set out in NRS
20 391.311 to 391.3196, inclusive.

21 **Sec. 4.** This act becomes effective on July 1, 1999.