

ASSEMBLY BILL NO. 366—COMMITTEE ON EDUCATION

MARCH 2, 1999

Referred to Committee on Education

SUMMARY—Makes various changes relating to training and professional development of teachers. (BDR 34-1327)

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 ~~{omitted material}~~ is material to be omitted.

AN ACT relating to educational personnel; requiring the assignment of teachers who serve as mentors for probationary teachers; requiring the board of trustees of a school district to create a committee for the professional development of teachers; 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 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1. *Except as otherwise provided in subsection 2, the***
- 4 ***superintendent of schools of a school district, in consultation with the***
- 5 ***bargaining agent, if any, of the teachers employed by the school district,***
- 6 ***shall select a teacher to serve as a mentor for each probationary teacher.***
- 7 ***A teacher who is selected to serve as a mentor must have at least 5 years***
- 8 ***of successful teaching experience with the school district in which he is***
- 9 ***employed. A teacher may be assigned to serve as a mentor to a***
- 10 ***probationary teacher only if the mentor provides his written consent to***
- 11 ***the assignment.***
- 12 **2. *The superintendent of schools is not required to assign a mentor to***
- 13 ***a probationary teacher if the probationary teacher has previous***
- 14 ***nonprobationary teaching experience.***

1 3. A probationary teacher and the administrator charged with the
2 supervision of the probationary teacher may agree in writing to
3 discontinue the assignment of the teacher who serves as the mentor for
4 the probationary teacher or select another teacher to serve as a mentor
5 for the probationary teacher.

6 4. A teacher who is assigned to serve as a mentor shall:

7 (a) Regularly consult with, observe and otherwise assist the
8 probationary teacher in improving his teaching skills during the period
9 of his probationary employment;

10 (b) Identify areas of weakness, if any, of the probationary teacher and
11 assist the teacher in improving upon those areas; and

12 (c) Recommend additional course work, supervised clinical experience
13 or supervised field experience for the probationary teacher if the mentor
14 believes that the course work or experience would improve the
15 performance of the probationary teacher.

16 5. A teacher who serves as a mentor shall not participate in:

17 (a) The evaluation of the performance of the probationary teacher.

18 (b) Any decision concerning the continuation of employment of the
19 probationary teacher.

20 6. A teacher who is assigned to serve as a mentor is entitled to be:

21 (a) Compensated for his services as a mentor, as provided by his
22 contract of employment or any applicable collective bargaining
23 agreement; and

24 (b) Released from his other duties as necessary to provide assistance
25 as a mentor, as provided by his contract of employment or any applicable
26 collective bargaining agreement.

27 The superintendent of schools of a school district shall not require a
28 teacher to serve as a mentor unless the teacher receives the compensation
29 and time for release required by this subsection.

30 7. Except as otherwise required by a court of competent jurisdiction,
31 any notes, memoranda or other communications, in whatever form,
32 between a probationary teacher and his mentor are confidential and
33 must not be released or disclosed by the mentor to a third person without
34 the written consent of the probationary teacher. A probationary teacher
35 must not be required to provide such consent as a condition of
36 employment or continued employment. A probationary teacher has the
37 privilege to refuse to disclose and to prevent any person from disclosing
38 any confidential communication between the probationary teacher and
39 his mentor.

40 8. A teacher who serves as a mentor to a probationary teacher is not
41 liable to the probationary teacher or to any third person for any loss or
42 damage caused by the performance of his duties as a mentor that occur
43 within the course and scope of his employment.

1 **9. A collective bargaining agreement entered into by a school district**
2 **pursuant to chapter 288 of NRS that governs the employment of teachers**
3 **may provide for the evaluation or modification of the assistance provided**
4 **by mentors to probationary teachers if the terms of the collective**
5 **bargaining agreement do not conflict with the requirements of this**
6 **section.**

7 **10. As used in this section, “bargaining agent” has the meaning**
8 **ascribed to it in NRS 288.027.**

9 **Sec. 3. 1. The board of trustees of each school district shall**
10 **establish a committee for the professional development of teachers. Each**
11 **such committee shall design, develop and coordinate programs of**
12 **continuing education, training and other programs and activities to**
13 **promote the professional development of teachers employed by the school**
14 **district.**

15 **2. The board of trustees of a school district shall, in consultation**
16 **with the bargaining agent, if any, of the teachers employed by the school**
17 **district, appoint the members of the committee and set forth any**
18 **additional duties for the committee. A majority of the members of the**
19 **committee must be teachers, each of whom must have at least 5 years of**
20 **experience teaching.**

21 **3. As used in this section, “bargaining agent” has the meaning**
22 **ascribed to it in NRS 288.027.**

23 **Sec. 4.** NRS 391.311 is hereby amended to read as follows:

24 391.311 As used in NRS 391.3115 to 391.3197, inclusive, **and section**
25 **2 of this act**, unless the context otherwise requires:

26 1. “Administrator” means any employee who holds a license as an
27 administrator and who is employed in that capacity by a school district.

28 2. “Board” means the board of trustees of the school district in which a
29 licensed employee affected by NRS 391.311 to 391.3197, inclusive, **and**
30 **section 2 of this act** is employed.

31 3. “Demotion” means demotion of an administrator to a position of
32 lesser rank, responsibility or pay and does not include transfer or
33 reassignment for purposes of an administrative reorganization.

34 4. “Immorality” means an act forbidden by NRS 200.366, 200.368,
35 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265
36 or 207.260.

37 5. “Postprobationary employee” means an administrator or a teacher
38 who has completed the probationary period as provided in NRS 391.3197
39 and has been given notice of reemployment.

40 6. “Probationary employee” means an administrator or a teacher who
41 is employed for the period set forth in NRS 391.3197.

1 7. “Superintendent” means the superintendent of a school district or a
2 person designated by the board or superintendent to act as superintendent
3 during the absence of the superintendent.

4 8. “Teacher” means a licensed employee the majority of whose
5 working time is devoted to the rendering of direct educational service to
6 pupils of a school district.

7 **Sec. 5.** NRS 391.3125 is hereby amended to read as follows:

8 391.3125 1. It is the intent of the legislature that a uniform system be
9 developed for objective evaluation of teachers and other licensed personnel
10 in each school district.

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

23 3. A conference and a written evaluation for a probationary employee
24 must be concluded no later than:

25 (a) December 1;

26 (b) February 1; and

27 (c) April 1,

28 of each school year of the probationary period, except that a probationary
29 employee assigned to a school that operates all year must be evaluated at
30 least three times during each 12 months of employment on a schedule
31 determined by the board.

32 4. *An administrator charged with the evaluation of a probationary*
33 *teacher shall consult with the mentor assigned to the probationary*
34 *teacher concerning the performance of the probationary teacher. The*
35 *administrator shall identify deficiencies or areas of weakness, if any, so*
36 *that the mentor can assist the teacher in improving his performance and*
37 *successfully completing his probationary period. This subsection does not*
38 *relieve the administrator from providing assistance to a probationary*
39 *teacher in accordance with this section.*

40 5. Whenever an administrator charged with the evaluation of a
41 probationary employee believes the employee will not be reemployed for
42 the second year of the probationary period or the school year following the
43 probationary period, he shall bring the matter to the employee’s attention

1 in a written document which is separate from the evaluation no later than
2 February 15 of the current school year. The notice must include the
3 reasons for the potential decision not to reemploy or refer to the evaluation
4 in which the reasons are stated. Such a notice is not required if the
5 probationary employee has received a letter of admonition during the
6 current school year.

7 ~~15.1~~ 6. Each postprobationary teacher must be evaluated at least once
8 each year.

9 ~~16.1~~ 7. The evaluation of a probationary teacher or a postprobationary
10 teacher must, if necessary, include recommendations for improvements in
11 his performance. A reasonable effort must be made to assist the teacher to
12 correct any deficiencies noted in the evaluation. The teacher must receive a
13 copy of each evaluation not later than 15 days after the evaluation. A copy
14 of the evaluation and the teacher's response must be permanently attached
15 to the teacher's personnel file.

16 **Sec. 6.** NRS 391.313 is hereby amended to read as follows:

17 391.313 1. Whenever an administrator charged with supervision of a
18 licensed employee believes it is necessary to admonish the employee for a
19 reason that he believes may lead to demotion, dismissal or cause the
20 employee not to be reemployed under the provisions of NRS 391.312, he
21 shall:

22 (a) Except as otherwise provided in subsection 2, bring the matter to the
23 attention of the employee involved, in writing, stating the reasons for the
24 admonition and that it may lead to his demotion, dismissal or a refusal to
25 reemploy him, and make a reasonable effort to assist the employee to
26 correct whatever appears to be the cause for his potential demotion,
27 dismissal or a potential recommendation not to reemploy him; and

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

31 An admonition issued to a licensed employee who, within the time granted
32 for improvement, has met the standards set for him by the administrator
33 who issued the admonition must be removed from the records of the
34 employee together with all notations and indications of its having been
35 issued. The admonition must be removed from the records of the employee
36 not later than 3 years after it is issued.

37 2. An administrator need not admonish an employee pursuant to
38 paragraph (a) of subsection 1 if his employment will be terminated
39 pursuant to NRS 391.3197. If by February 15 of the first or second year of
40 his probationary period a probationary employee does not receive a written
41 notice pursuant to subsection ~~14~~ 5 of NRS 391.3125 of a potential
42 decision not to reemploy him, he must receive an admonition before any
43 such decision is made.

1 3. A licensed employee is subject to immediate dismissal or a refusal
2 to reemploy according to the procedures provided in NRS 391.311 to
3 391.3197, inclusive, without the admonition required by this section, on
4 grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of
5 NRS 391.312.

6 **Sec. 7.** This act becomes effective on July 1, 1999.

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