

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.*
- 15 **3.** *A probationary teacher and the administrator charged with the*
16 *supervision of the probationary teacher may agree in writing to*
17 *discontinue the assignment of the teacher who serves as the mentor for*

1 *the probationary teacher or select another teacher to serve as a mentor*
2 *for the probationary teacher.*

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

4 *(a) Regularly consult with, observe and otherwise assist the*
5 *probationary teacher in improving his teaching skills during the period*
6 *of his probationary employment;*

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

9 *(c) Recommend additional course work, supervised clinical experience*
10 *or supervised field experience for the probationary teacher if the mentor*
11 *believes that the course work or experience would improve the*
12 *performance of the probationary teacher.*

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

14 *(a) The evaluation of the performance of the probationary teacher.*

15 *(b) Any decision concerning the continuation of employment of the*
16 *probationary teacher.*

17 *6. A teacher who is assigned to serve as a mentor may be:*

18 *(a) Compensated for his services as a mentor; and*

19 *(b) Released from his other duties as necessary to provide assistance*
20 *as a mentor,*
21 *as provided by his contract of employment or any applicable collective*
22 *bargaining agreement.*

23 *7. Except as otherwise required by a court of competent jurisdiction,*
24 *any notes, memoranda or other communications, in whatever form,*
25 *between a probationary teacher and his mentor are confidential and*
26 *must not be released or disclosed by the mentor to a third person without*
27 *the written consent of the probationary teacher. A probationary teacher*
28 *must not be required to provide such consent as a condition of*
29 *employment or continued employment. A probationary teacher has the*
30 *privilege to refuse to disclose and to prevent any person from disclosing*
31 *any confidential communication between the probationary teacher and*
32 *his mentor.*

33 *8. A teacher who serves as a mentor to a probationary teacher is not*
34 *liable to the probationary teacher or to any third person for any loss or*
35 *damage caused by the performance of his duties as a mentor that occur*
36 *within the course and scope of his employment.*

37 *9. A collective bargaining agreement entered into by a school district*
38 *pursuant to chapter 288 of NRS that governs the employment of teachers*
39 *may provide for the evaluation or modification of the assistance provided*

1 *by mentors to probationary teachers if the terms of the collective*
2 *bargaining agreement do not conflict with the requirements of this*
3 *section.*

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

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

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

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

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

21 391.311 As used in NRS 391.3115 to 391.3197, inclusive, *and section*
22 *2 of this act*, unless the context otherwise requires:

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

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

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

31 4. “Immorality” means an act forbidden by NRS 200.366, 200.368,
32 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265
33 or 207.260.

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

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

39 7. “Superintendent” means the superintendent of a school district or a
40 person designated by the board or superintendent to act as superintendent
41 during the absence of the superintendent.

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

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

5 391.3125 1. It is the intent of the legislature that a uniform system be
6 developed for objective evaluation of teachers and other licensed personnel
7 in each school district.

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

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

22 (a) December 1;

23 (b) February 1; and

24 (c) April 1,

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

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

37 5. Whenever an administrator charged with the evaluation of a
38 probationary employee believes the employee will not be reemployed for
39 the second year of the probationary period or the school year following the
40 probationary period, he shall bring the matter to the employee's attention in
41 a written document which is separate from the evaluation no later than
42 February 15 of the current school year. The notice must include the reasons
43 for the potential decision not to reemploy or refer to the evaluation in

1 which the reasons are stated. Such a notice is not required if the
2 probationary employee has received a letter of admonition during the
3 current school year.

4 ~~15.1~~ 6. Each postprobationary teacher must be evaluated at least once
5 each year.

6 ~~16.1~~ 7. The evaluation of a probationary teacher or a postprobationary
7 teacher must, if necessary, include recommendations for improvements in
8 his performance. A reasonable effort must be made to assist the teacher to
9 correct any deficiencies noted in the evaluation. The teacher must receive a
10 copy of each evaluation not later than 15 days after the evaluation. A copy
11 of the evaluation and the teacher's response must be permanently attached
12 to the teacher's personnel file.

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

14 391.313 1. Whenever an administrator charged with supervision of a
15 licensed employee believes it is necessary to admonish the employee for a
16 reason that he believes may lead to demotion, dismissal or cause the
17 employee not to be reemployed under the provisions of NRS 391.312, he
18 shall:

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

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

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

34 2. An administrator need not admonish an employee pursuant to
35 paragraph (a) of subsection 1 if his employment will be terminated pursuant
36 to NRS 391.3197. If by February 15 of the first or second year of his
37 probationary period a probationary employee does not receive a written
38 notice pursuant to subsection ~~14.1~~ 5 of NRS 391.3125 of a potential decision
39 not to reemploy him, he must receive an admonition before any such
40 decision is made.

41 3. A licensed employee is subject to immediate dismissal or a refusal to
42 reemploy according to the procedures provided in NRS 391.311 to
43 391.3197, inclusive, without the admonition required by this section, on

- 1 grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of
- 2 NRS 391.312.
- 3 **Sec. 7.** This act becomes effective on July 1, 1999.

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