

SENATE BILL NO. 345—COMMITTEE ON HUMAN RESOURCES
AND FACILITIES

MARCH 10, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Revises provisions governing evaluations of probationary employees of school district. (BDR 34-1)

FISCAL NOTE: Effect on Local Government: No.
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 education; eliminating supplemental evaluations for probationary employees of a school district; revising the standards for the evaluation of probationary employees of a school district; 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]~~ ***Except as otherwise***
8 ***provided in subsection 3, the*** policy must set forth a means according to
9 which ~~[an employee's]~~ ***the*** overall performance ***of an employee*** may be
10 determined to be satisfactory or unsatisfactory. The policy may include an
11 evaluation by the teacher, pupils, administrators or other teachers or any
12 combination thereof. In a similar manner, counselors, librarians and other
13 licensed personnel must be evaluated on forms developed specifically for
14 their respective specialties. A copy of the policy adopted by the board must
15 be filed with the department. The primary purpose of an evaluation is to
16 provide a format for constructive assistance. Evaluations, while not the sole
17 criterion, must be used in the dismissal process.

1 3. *The policy adopted pursuant to subsection 2 must set forth a*
2 *means according to which the overall performance of a probationary*
3 *employee may be determined to be:*

4 (a) *Satisfactory, which indicates that the probationary employee has*
5 *demonstrated the knowledge and skills required for a probationary*
6 *employee;*

7 (b) *Not consistently satisfactory, which indicates that the probationary*
8 *employee has not consistently demonstrated the knowledge and skills*
9 *required for a probationary employee; or*

10 (c) *Unsatisfactory, which indicates that the probationary employee has*
11 *not demonstrated the knowledge and skills required for a probationary*
12 *employee.*

13 4. A conference and a written evaluation for a probationary employee
14 must be concluded ~~no~~ not later than:

15 (a) December 1;

16 (b) February 1; and

17 (c) April 1,

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

22 ~~4.~~ 5. Whenever an administrator charged with the evaluation of a
23 probationary employee believes the employee will not be reemployed for
24 the second year of the probationary period or the school year following the
25 probationary period, he shall bring the matter to the employee's attention in
26 a written document which is separate from the evaluation ~~no~~ not later than
27 ~~February~~ March 15 of the current school year. The notice must include
28 the reasons for the potential decision not to reemploy or refer to the
29 evaluation in which the reasons are stated. Such a notice is not required if
30 the probationary employee has received a letter of admonition during the
31 current school year.

32 ~~5.~~ 6. Each postprobationary teacher must be evaluated at least once
33 each year.

34 ~~6.~~ 7. The evaluation of a probationary teacher or a postprobationary
35 teacher must, if necessary, include recommendations for improvements in
36 his performance. A reasonable effort must be made to assist the teacher to
37 correct any deficiencies noted in the evaluation. The teacher must receive a
38 copy of each evaluation not later than 15 days after the evaluation. A copy
39 of the evaluation and the teacher's response must be permanently attached
40 to the teacher's personnel file.

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

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

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

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

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

2. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by ~~February~~ **March** 15 of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection ~~4~~ **5** of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

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

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

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

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of his probationary period, as

1 appropriate, of his acceptance of reemployment. If a probationary
2 employee is assigned to a school that operates all year, the board shall
3 notify him in writing, in both the first and second years of his probationary
4 period, ~~no~~ **not** later than 45 days before his last day of work for the year
5 under his contract whether he is to be reemployed for the second year of the
6 probationary period or for the next school year as a postprobationary
7 employee. He must advise the board in writing within 10 days after the date
8 of notification of his acceptance or rejection of reemployment for another
9 year. Failure to advise the board of his acceptance of reemployment
10 constitutes rejection of the contract.

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

15 4. ~~[A probationary employee who receives an unsatisfactory evaluation
16 may request a supplemental evaluation by another administrator in the
17 school district selected by him and the superintendent. If a school district
18 has five or fewer administrators, the supplemental evaluator may be an
19 administrator from another school district in the state.]~~ If a probationary
20 employee has received during the first school year of his probationary
21 period three evaluations which state that the ~~employee's~~ overall
22 performance **of the employee** has been satisfactory, the superintendent of
23 schools of the school district or his designee shall waive the second year of
24 the employee's probationary period by expressly providing in writing on
25 the final evaluation of the employee for the first probationary year that the
26 second year of his probationary period is waived. Such an employee is
27 entitled to be a postprobationary employee in the ensuing year of
28 employment.

29 5. ***If a probationary employee receives one or more evaluations
30 during the first year of his probationary period which are unsatisfactory
31 or not consistently satisfactory as described in subsection 3 of NRS
32 391.3125, and the superintendent of schools of the school district or his
33 designee chooses to reemploy the probationary employee, the employee
34 must be evaluated as a probationary employee during the second year of
35 his probationary period.*** If a probationary employee is notified that he will
36 not be reemployed for the second year of his probationary period or the
37 ensuing school year, his employment ends on the last day of the current
38 school year. The notice that he will not be reemployed must include a
39 statement of the reasons for that decision.

40 6. A new employee or a postprobationary teacher who is employed as
41 an administrator shall be deemed to be a probationary employee for the
42 purposes of this section and must serve a 2-year probationary period as an
43 administrator in accordance with the provisions of this section. If the

1 administrator does not receive an ~~unsatisfactory~~ evaluation during the first
2 year of probation ~~if~~ *which is unsatisfactory or not consistently*
3 *satisfactory*, the superintendent or his designee shall waive the second year
4 of the administrator's probationary period. Such an administrator is entitled
5 to be a postprobationary employee in the ensuing year of employment. If a
6 postprobationary teacher who is an administrator is not reemployed in that
7 capacity after either year of his probationary period, he may accept a
8 contract as a teacher for the ensuing school year in writing on or before
9 May 10. If he fails to accept the contract as a teacher, he shall be deemed to
10 have rejected the offer of a contract as a teacher.

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

21 8. Before dismissal, the probationary employee is entitled to a hearing
22 before a hearing officer which affords due process as set out in NRS
23 391.311 to 391.3196, inclusive.

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