

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A.B. 297

ASSEMBLY BILL NO. 297—ASSEMBLYMEN ANDERSON, PARNELL, WILLIAMS, LESLIE, GOLDWATER, ARBERRY, BACHE, BERMAN, BUCKLEY, CHOWNING, CLABORN, COLLINS, DINI, GIUNCHIGLIANI, HUMKE, KOIVISTO, MANENDO, OCEGUERA, OHRENSCHALL, PARKS, PERKINS AND SMITH

MARCH 7, 2001

Referred to Committee on Education

SUMMARY—Makes various changes regarding public schools and educational personnel.
(BDR 34-297)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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; increasing the minimum number of school days that the board of trustees of a school district is required to schedule and provide; revising provisions governing apportionments from the state distributive school account to provide money to school districts for professional development; requiring the board of trustees of each school district to establish a program to provide enhanced compensation to employees of the school district who achieve outstanding development in their profession or employment; making various changes regarding the evaluation and admonition of educational personnel; authorizing the transfer of certain sums of money from the state distributive school account to continue the operation of the regional training programs for the professional development of teachers and administrators; making an appropriation for the programs to provide enhanced compensation; 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 386.550 is hereby amended to read as follows:
- 2 386.550 A charter school shall:
- 3 1. Comply with all laws and regulations relating to discrimination and
- 4 civil rights.
- 5 2. Remain nonsectarian, including, without limitation, in its
- 6 educational programs, policies for admission and employment practices.
- 7 3. Refrain from charging tuition or fees, levying taxes or issuing
- 8 bonds.



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- 1 4. Comply with any plan for desegregation ordered by a court that is in
2 effect in the school district in which the charter school is located.
- 3 5. Comply with the provisions of chapter 241 of NRS.
- 4 6. Except as otherwise provided in this subsection, schedule and
5 provide annually at least as many days of instruction as are required of
6 other public schools located in the same school district as the charter
7 school is located. The governing body of a charter school may submit a
8 written request to the superintendent of public instruction for a waiver from
9 providing the days of instruction required by this subsection. The
10 superintendent of public instruction may grant such a request if the
11 governing body demonstrates to the satisfaction of the superintendent that:
12 (a) Extenuating circumstances exist to justify the waiver; and
13 (b) The charter school will provide at least as many hours or minutes of
14 instruction as would be provided under a program consisting of ~~180~~ 183
15 days.
- 16 7. Cooperate with the board of trustees of the school district in the
17 administration of the achievement and proficiency examinations
18 administered pursuant to NRS 389.015 and the examinations required
19 pursuant to NRS 389.550 to the pupils who are enrolled in the charter
20 school.
- 21 8. Comply with applicable statutes and regulations governing the
22 achievement and proficiency of pupils in this state.
- 23 9. Provide instruction in the core academic subjects set forth in
24 subsection 1 of NRS 389.018, as applicable for the grade levels of pupils
25 who are enrolled in the charter school, and provide at least the courses of
26 instruction that are required of pupils by statute or regulation for promotion
27 to the next grade or graduation from a public high school and require the
28 pupils who are enrolled in the charter school to take those courses of study.
29 This subsection does not preclude a charter school from offering, or
30 requiring the pupils who are enrolled in the charter school to take, other
31 courses of study that are required by statute or regulation.
- 32 10. Refrain from using public money to purchase real property or
33 buildings without the approval of the sponsor.
- 34 11. Hold harmless, indemnify and defend the sponsor of the charter
35 school against any claim or liability arising from an act or omission by the
36 governing body of the charter school or an employee or officer of the
37 charter school. An action at law may not be maintained against the sponsor
38 of a charter school for any cause of action for which the charter school has
39 obtained liability insurance.
- 40 12. Provide written notice to the parents or legal guardians of pupils in
41 grades 9 to 12, inclusive, who are enrolled in the charter school of whether
42 the charter school is accredited by the Commission on Schools of the
43 Northwest Association of Schools and Colleges.
- 44 13. Adopt a final budget in accordance with the regulations adopted by
45 the department. A charter school is not required to adopt a final budget
46 pursuant to NRS 354.598 or otherwise comply with the provisions of
47 chapter 354 of NRS.



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1 **Sec. 2.** NRS 387.122 is hereby amended to read as follows:
2 387.122 **1.** For making the apportionments of the state distributive
3 school account in the state general fund required by the provisions of this
4 Title, the basic support guarantee per pupil for each school district and the
5 basic support guarantee for each special education program unit maintained
6 and operated during at least 9 months of a school year are established by
7 law for each school year.

8 **2.** *After the basic support guarantee is established for each school*
9 *year pursuant to subsection 1, the legislature will provide for an*
10 *additional apportionment for each school year from the state distributive*
11 *school account to each school district in an amount equal to one-half of*
12 *one percent of the basic support guarantee established for the school*
13 *district for each pupil included in the count of basic support of the school*
14 *district. Each school district shall use the money received pursuant to*
15 *this subsection only to provide professional development for the teachers*
16 *and other educational personnel employed by the school district.*

17 **Sec. 3.** NRS 388.090 is hereby amended to read as follows:
18 388.090 1. Except as otherwise permitted pursuant to this section,
19 boards of trustees of school districts shall schedule and provide a minimum
20 of ~~180~~ **183** days of free school in the districts under their charge.

21 2. The superintendent of public instruction may, upon application by a
22 board of trustees, authorize a reduction of not more than 15 school days in
23 a particular district to establish or maintain a 12-month school program or a
24 program involving alternative scheduling, if the board of trustees
25 demonstrates that the proposed schedule for the program provides for a
26 greater number of minutes of instruction than would be provided under a
27 program consisting of ~~180~~ **183** school days. Before authorizing a
28 reduction in the number of required school days pursuant to this
29 subsection, the superintendent of public instruction must find that the
30 proposed schedule will be used to alleviate problems associated with a
31 growth in enrollment or overcrowding, or to establish and maintain a
32 program of alternative schooling.

33 3. The superintendent of public instruction may, upon application by a
34 board of trustees, authorize the addition of minutes of instruction to any
35 scheduled day of free school if days of free school are lost because of any
36 interscholastic activity. Not more than 5 days of free school so lost may be
37 rescheduled in this manner.

38 4. Each school district shall schedule at least 3 contingent days of
39 school in addition to the number of days required by this section, which
40 must be used if a natural disaster, inclement weather or an accident
41 necessitates the closing of a majority of the facilities within the district.

42 5. If more than 3 days of free school are lost because a natural disaster,
43 inclement weather or an accident necessitates the closing of a majority of
44 the facilities within a school district, the superintendent of public
45 instruction, upon application by the school district, may permit the
46 additional days lost to be counted as school days in session. The
47 application must be submitted in the manner prescribed by the
48 superintendent of public instruction.



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1 6. The state board ~~of education~~ shall adopt regulations providing
2 procedures for changing schedules of instruction to be used if a natural
3 disaster, inclement weather or an accident necessitates the closing of a
4 particular school within a school district.

5 **Sec. 4.** Chapter 391 of NRS is hereby amended by adding thereto a
6 new section to read as follows:

7 *1. The board of trustees of each school district shall establish a*
8 *design team to facilitate the design, development and implementation of*
9 *strategies to improve conditions of teaching and learning within the*
10 *school district.*

11 *2. The membership of a design team created pursuant to subsection 1*
12 *must consist of persons appointed by the board of trustees from among:*

13 *(a) Representatives of the school district; and*

14 *(b) Representatives of recognized employee organizations which*
15 *represent one or more groups of employees of the school*
16 *district.*

17 *At least 50 percent of the members that the board of trustees appoints to*
18 *the design team must be representatives of recognized employee*
19 *organizations which represent one or more groups of employees of the*
20 *school district.*

21 *3. In carrying out its duties to facilitate the design, development and*
22 *implementation of strategies to improve conditions of teaching and*
23 *learning within the school district, the design team for each school*
24 *district shall develop a program for the school district pursuant to which*
25 *an employee of the school district may become eligible to earn an*
26 *enhanced level of compensation by achieving outstanding development*
27 *in his profession or employment, as assessed in accordance with the*
28 *criteria developed pursuant to subsection 4.*

29 *4. To determine whether an employee of the school district has*
30 *achieved outstanding development in his profession or employment, the*
31 *design team for each school district shall develop criteria for use in the*
32 *school district setting forth, without limitation:*

33 *(a) The activities in which an employee of the school district must*
34 *participate to achieve outstanding development in his profession or*
35 *employment;*

36 *(b) The duties an employee of the school district must carry out to*
37 *achieve outstanding development in his profession or employment; and*

38 *(c) The knowledge and skills an employee of the school district must*
39 *acquire to achieve outstanding development in his profession or*
40 *employment.*

41 *5. A program of enhanced compensation developed pursuant to*
42 *subsection 3 must be:*

43 *(a) Applicable to all employees of the school district for which the*
44 *program is developed, regardless of whether those employees are licensed*
45 *or unlicensed; and*

46 *(b) Bargained for in accordance with the provisions of chapter 288 of*
47 *NRS.*

48 *6. As used in this section, "employee organization" has the meaning*
49 *ascribed to it in NRS 288.040.*



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1 **Sec. 5.** 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.
17 3. A conference and a written evaluation for a probationary employee
18 must be concluded ~~not~~ **not** later than:
19 (a) December 1;
20 (b) February 1; and
21 (c) April 1,
22 of each school year of the probationary period, except that a probationary
23 employee assigned to a school that operates all year must be evaluated at
24 least three times during each 12 months of employment on a schedule
25 determined by the board. *An administrator charged with the evaluation of*
26 *a probationary teacher shall, during each evaluation period, personally*
27 *observe the performance of the teacher for a minimum cumulative total*
28 *of 60 minutes, at least 45 minutes of which must consist of one*
29 *continuous observation.*
30 4. Whenever an administrator charged with the evaluation of a
31 probationary employee believes the employee will not be reemployed for
32 the second year of the probationary period or the school year following the
33 probationary period, he shall bring the matter to the employee's attention in
34 a written document which is separate from the evaluation ~~not~~ **not** later
35 than ~~February 15~~ **March 1** of the current school year. The notice must
36 include the reasons for the potential decision not to reemploy or refer to the
37 evaluation in which the reasons are stated. Such a notice is not required if
38 the probationary employee has received a letter of admonition during the
39 current school year.
40 5. Each postprobationary teacher must be evaluated at least once each
41 year. *An administrator charged with the evaluation of a postprobationary*
42 *teacher shall, during each evaluation period, personally observe the*
43 *performance of the teacher for a minimum cumulative total of 60*
44 *minutes, at least 30 minutes of which must consist of one continuous*
45 *observation.*
46 6. The evaluation of a probationary teacher or a postprobationary
47 teacher must ~~be~~ **be**:



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

4 (b) Include a statement by the administrator who evaluated the
5 teacher indicating the amount of time that the administrator personally
6 observed the performance of the teacher in the classroom.

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

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

11 391.313 1. Whenever an administrator charged with supervision of a
12 licensed employee believes it is necessary to admonish the employee for a
13 reason that he believes may lead to demotion ~~or~~ or dismissal or cause the
14 employee not to be reemployed under the provisions of NRS 391.312, he
15 shall:

16 (a) Except as otherwise provided in subsection ~~12-1~~ 3, bring the matter to
17 the attention of the employee involved, in writing, stating the reasons for
18 the admonition and that it may lead to his demotion, dismissal or a refusal
19 to reemploy him, and make a reasonable effort to assist the employee to
20 correct whatever appears to be the cause for his potential demotion,
21 dismissal or a potential recommendation not to reemploy him; and

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

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

31 ~~12-1~~ 3. An administrator need not admonish an employee pursuant to
32 paragraph (a) of subsection 1 if his employment will be terminated
33 pursuant to NRS 391.3197. If by ~~February 15~~ March 1 of the first or
34 second year of his probationary period a probationary employee does not
35 receive a written notice pursuant to subsection 4 of NRS 391.3125 of a
36 potential decision not to reemploy him, he must receive an admonition
37 before any such decision is made.

38 ~~13-1~~ 4. A licensed employee is subject to immediate dismissal or a
39 refusal to reemploy according to the procedures provided in NRS 391.311
40 to 391.3197, inclusive, without the admonition required by this section, on
41 grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of
42 NRS 391.312.

43 Sec. 7. NRS 391.3197 is hereby amended to read as follows:

44 391.3197 1. A probationary employee is employed on a contract
45 basis for two 1-year periods and has no right to employment after either of
46 the two probationary contract years.

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



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

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

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

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

39 6. A new employee or a postprobationary teacher who is employed as
40 an administrator shall be deemed to be a probationary employee for the
41 purposes of this section and must serve a 2-year probationary period as an
42 administrator in accordance with the provisions of this section. If the
43 administrator does not receive an unsatisfactory evaluation during the first
44 year of probation, the superintendent or his designee shall waive the second
45 year of the administrator's probationary period. Such an administrator is
46 entitled to be a postprobationary employee in the ensuing year of
47 employment. If a postprobationary teacher who is an administrator is not
48 reemployed in that capacity after either year of his probationary period, he
49 may accept a contract as a teacher for the ensuing school year in writing on



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1 or before May 10. If he fails to accept the contract as a teacher, he shall be
2 deemed to have rejected the offer of a contract as a teacher.

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

13 8. Before dismissal, the probationary employee is entitled to a hearing
14 before a hearing officer which affords due process as set out in NRS
15 391.311 to 391.3196, inclusive.

16 **Sec. 8.** 1. The department of education is hereby authorized to
17 transfer from the state distributive school account to the school districts
18 specified in this section the following sums for fiscal years 2001-2002 and
19 2002-2003:

<u>School District</u>	<u>2001-2002</u>	<u>2002-2003</u>
Clark County school district.....	\$2,365,491	\$3,041,127
Douglas County school district	\$832,851	\$892,339
Elko County school district	\$871,023	\$915,738
Washoe County school district.....	<u>\$1,082,890</u>	<u>\$1,197,768</u>
	\$5,152,255	\$6,046,972

22 2. A school district that receives an allocation pursuant to subsection 1
23 shall:

24 (a) Use the money to maintain and continue the operation of a regional
25 training program for the professional development of teachers and
26 administrators established by the school district pursuant to section 16 of
27 chapter 559, Statutes of Nevada 1999, at page 2930;

28 (b) Comply with the provisions of section 16 of chapter 559, Statutes of
29 Nevada 1999, at page 2930; and

30 (c) Notwithstanding the provisions of subsection 9 of section 16 of
31 chapter 559, Statutes of Nevada 1999, at page 2932, to the contrary,
32 provide training for teachers in the standards established by the council to
33 establish academic standards for public schools pursuant to NRS 389.520.

34 3. In lieu of the requirement of paragraph (b) of subsection 13 of
35 section 16 of chapter 559, Statutes of Nevada 1999, at page 2933, the
36 annual report of the board of trustees of a school district must include an
37 evaluation of whether the training received by teachers through the
38 regional training program in the immediately preceding year included the
39 standards of content and performance established by the council to
40 establish academic standards for public schools pursuant to NRS 389.520.

41 4. Any remaining balance of the transfers made by subsection 1 for the
42 2001-2002 fiscal year must be added to the money received by the school
43 districts for the 2002-2003 fiscal year and may be expended as that money



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1 is expended. Any remaining balance of the transfers made by subsection 1
2 for the 2002-2003 fiscal year, including any money added from the
3 allocation for the previous fiscal year, must not be committed for
4 expenditure after June 30, 2003, and reverts to the state distributive school
5 account as soon as all payments of money committed have been made.

6 **Sec. 9.** 1. The school districts that receive an allocation pursuant to
7 section 8 of this act are hereby authorized to continue the consortium
8 formed pursuant to section 17 of chapter 559, Statutes of Nevada 1999, at
9 page 2934, and to receive \$65,000 in each fiscal year of the 2001-2003
10 biennium from the state distributive school account to spend for an
11 evaluation of the regional training programs for the professional
12 development of teachers and administrators.

13 2. The consortium of school districts, after consulting with the
14 legislative bureau of educational accountability and program evaluation,
15 shall use the money allocated by subsection 1 to:

16 (a) Continue the services of the consultant hired pursuant to section 17
17 of chapter 559, Statutes of Nevada 1999, at page 2934, to conduct an
18 evaluation of the effectiveness of the four regional training programs; or

19 (b) Hire another qualified, independent consultant to conduct an
20 evaluation of the effectiveness of the four regional training
21 programs.

22 The evaluation must include, without limitation, a review of the annual
23 reports submitted by the governing body of each regional training program
24 pursuant to subsection 12 of section 16 of chapter 559, Statutes of Nevada
25 1999, at page 2933, and the annual reports submitted by the board of
26 trustees of each school district pursuant to subsection 13 of section 16 of
27 chapter 559, Statutes of Nevada, 1999, at page 2933.

28 3. On or before February 1, 2003, the consultant shall submit a written
29 report of the results of his evaluation to the consortium and the legislative
30 bureau of educational accountability and program evaluation. On or before
31 February 19, 2003, the legislative bureau of educational accountability and
32 program evaluation shall submit a copy of the written evaluation, including
33 any recommendations for legislation, to the director of the legislative
34 counsel bureau for transmission to the 72nd session of the Nevada
35 Legislature.

36 4. Any remaining balance of the allocation made by subsection 1 must
37 not be committed for expenditure after June 30, 2003, and reverts to the
38 state distributive school account as soon as all payments of money
39 committed have been made.

40 **Sec. 10.** 1. There is hereby appropriated from the state general fund
41 to the state distributive school account in the state general fund created
42 pursuant to NRS 387.030:

43 For the fiscal year 2001-2002..... \$20,000,000
44 For the fiscal year 2002-2003..... \$20,000,000

45 2. The superintendent of public instruction shall allocate the money
46 appropriated by subsection 1 in a fair and equitable manner among the 17
47 county school districts to pay for the programs of enhanced compensation
48 created pursuant to section 4 of this act.



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1 3. Expenditures for the programs of enhanced compensation created
2 pursuant to section 4 of this act must be accounted for in a separate
3 category of expenditure in the state distributive school account.

4 4. Any balance of the sums appropriated by subsection 1 remaining at
5 the end of the respective fiscal years must not be committed for
6 expenditure after June 30 of the respective fiscal years and reverts to the
7 state general fund as soon as all payments of money committed have been
8 made.

9 **Sec. 11.** This act becomes effective upon passage and approval.

