

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND 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 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 educational personnel; revising provisions governing the evaluation and admonition of probationary and postprobationary employees of school districts; 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.
- 17 3. A conference and a written evaluation for a probationary employee
- 18 must be concluded ~~not~~ *not* later than:



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1 (a) December 1;
2 (b) February 1; and
3 (c) April 1,
4 of each school year of the probationary period, except that a probationary
5 employee assigned to a school that operates all year must be evaluated at
6 least three times during each 12 months of employment on a schedule
7 determined by the board. *An administrator charged with the evaluation of*
8 *a probationary teacher shall, during each evaluation period, personally*
9 *observe the performance of the teacher for a minimum cumulative total*
10 *of 60 minutes, at least 45 minutes of which must consist of one*
11 *continuous observation.*
12 4. Whenever an administrator charged with the evaluation of a
13 probationary employee believes the employee will not be reemployed for
14 the second year of the probationary period or the school year following the
15 probationary period, he shall bring the matter to the employee's attention in
16 a written document which is separate from the evaluation ~~not~~ later
17 than ~~February 15~~ *March 1* of the current school year. The notice must
18 include the reasons for the potential decision not to reemploy or refer to the
19 evaluation in which the reasons are stated. Such a notice is not required if
20 the probationary employee has received a letter of admonition during the
21 current school year.
22 5. Each postprobationary teacher must be evaluated at least once each
23 year. *An administrator charged with the evaluation of a postprobationary*
24 *teacher shall, during each evaluation period, personally observe the*
25 *performance of the teacher for a minimum cumulative total of 60*
26 *minutes, at least 30 minutes of which must consist of one continuous*
27 *observation.*
28 6. The evaluation of a probationary teacher or a postprobationary
29 teacher must ~~be~~ *:*
30 (a) *If* necessary, include recommendations for improvements in his
31 performance. A reasonable effort must be made to assist the teacher to
32 correct any deficiencies noted in the evaluation.
33 (b) *Include a statement by the administrator who evaluated the*
34 *teacher indicating the amount of time that the administrator personally*
35 *observed the performance of the teacher in the classroom.*
36 7. The teacher must receive a copy of each evaluation not later than 15
37 days after the evaluation. A copy of the evaluation and the teacher's
38 response must be permanently attached to the teacher's personnel file.
39 **Sec. 2.** NRS 391.313 is hereby amended to read as follows:
40 391.313 1. Whenever an administrator charged with supervision of a
41 licensed employee believes it is necessary to admonish the employee for a
42 reason that he believes may lead to demotion ~~or~~ dismissal or cause the
43 employee not to be reemployed under the provisions of NRS 391.312, he
44 shall:
45 (a) Except as otherwise provided in subsection ~~2-1~~ *3*, bring the matter to
46 the attention of the employee involved, in writing, stating the reasons for
47 the admonition and that it may lead to his demotion, dismissal or a refusal
48 to reemploy him, and make a reasonable effort to assist the employee to



1 correct whatever appears to be the cause for his potential demotion,
2 dismissal or a potential recommendation not to reemploy him; and

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

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

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

19 ~~13-1~~ 4. A licensed employee is subject to immediate dismissal or a
20 refusal to reemploy according to the procedures provided in NRS 391.311
21 to 391.3197, inclusive, without the admonition required by this section, on
22 grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of
23 NRS 391.312.

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

25 391.3197 1. A probationary employee is employed on a contract
26 basis for two 1-year periods and has no right to employment after either of
27 the two probationary contract years.

28 2. The board shall notify each probationary employee in writing on or
29 before May 1 of the first and second school years of his probationary
30 period, as appropriate, whether he is to be reemployed for the second year
31 of the probationary period or for the next school year as a postprobationary
32 employee. The employee must advise the board in writing on or before
33 May 10 of the first or second year of his probationary period, as
34 appropriate, of his acceptance of reemployment. If a probationary
35 employee is assigned to a school that operates all year, the board shall
36 notify him in writing, in both the first and second years of his probationary
37 period, no later than 45 days before his last day of work for the year under
38 his contract whether he is to be reemployed for the second year of the
39 probationary period or for the next school year as a postprobationary
40 employee. He must advise the board in writing within 10 days after the
41 date of notification of his acceptance or rejection of reemployment for
42 another year. Failure to advise the board of his acceptance of
43 reemployment constitutes rejection of the contract.

44 3. A probationary employee who completes his 2-year probationary
45 period and receives a notice of reemployment from the school district in
46 the second year of his probationary period is entitled to be a
47 postprobationary employee in the ensuing year of employment.

48 4. ~~1A~~ *If a* probationary employee ~~who receives an unsatisfactory~~
49 ~~evaluation~~ *receives notice pursuant to subsection 4 of NRS 391.3125 not*



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1 *later than March 1 of a potential decision not to reemploy him, the*
2 *employee* may request a supplemental evaluation by another administrator
3 in the school district selected by him and the superintendent. If a school
4 district has five or fewer administrators, the supplemental evaluator may be
5 an administrator from another school district in ~~the~~ *this* state. If a
6 probationary employee has received during the first school year of his
7 probationary period three evaluations which state that the employee's
8 overall performance has been satisfactory, the superintendent of schools of
9 the school district or his designee shall waive the second year of the
10 employee's probationary period by expressly providing in writing on the
11 final evaluation of the employee for the first probationary year that the
12 second year of his probationary period is waived. Such an employee is
13 entitled to be a postprobationary employee in the ensuing year of
14 employment.

15 5. If a probationary employee is notified that he will not be
16 reemployed for the second year of his probationary period or the ensuing
17 school year, his employment ends on the last day of the current school
18 year. The notice that he will not be reemployed must include a statement of
19 the reasons for that decision.

20 6. A new employee or a postprobationary teacher who is employed as
21 an administrator shall be deemed to be a probationary employee for the
22 purposes of this section and must serve a 2-year probationary period as an
23 administrator in accordance with the provisions of this section. If the
24 administrator does not receive an unsatisfactory evaluation during the first
25 year of probation, the superintendent or his designee shall waive the second
26 year of the administrator's probationary period. Such an administrator is
27 entitled to be a postprobationary employee in the ensuing year of
28 employment. If a postprobationary teacher who is an administrator is not
29 reemployed in that capacity after either year of his probationary period, he
30 may accept a contract as a teacher for the ensuing school year in writing on
31 or before May 10. If he fails to accept the contract as a teacher, he shall be
32 deemed to have rejected the offer of a contract as a teacher.

33 7. An administrator who has completed his probationary period
34 pursuant to subsection 6 and is thereafter promoted to the position of
35 principal must serve an additional probationary period of 1 year in the
36 position of principal. If the administrator serving the additional
37 probationary period is not reemployed in that capacity after the expiration
38 of the additional probationary period, he may accept a contract for the
39 ensuing school year, in writing, on or before May 10, for the administrative
40 position in which he attained postprobationary status. If he fails to accept
41 such a contract, he shall be deemed to have rejected the offer of
42 employment.

43 8. Before dismissal, the probationary employee is entitled to a hearing
44 before a hearing officer which affords due process as set out in NRS
45 391.311 to 391.3196, inclusive.



1 **Sec. 4.** Section 1 of Assembly Bill No. 130 of this session is hereby
2 amended to read as follows:

3 Section 1. NRS 391.3197 is hereby amended to read as follows:

4 391.3197 1. A probationary employee is employed on a contract
5 basis for two 1-year periods and has no right to employment after
6 either of the two probationary contract years.

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

24 3. A probationary employee who completes his 2-year
25 probationary period and receives a notice of reemployment from the
26 school district in the second year of his probationary period is entitled
27 to be a postprobationary employee in the ensuing year of employment.

28 4. If a probationary employee receives notice pursuant to
29 subsection 4 of NRS 391.3125 not later than March 1 of a potential
30 decision not to reemploy him, the employee may request a
31 supplemental evaluation by another administrator in the school district
32 selected by him and the superintendent. If a school district has five or
33 fewer administrators, the supplemental evaluator may be an
34 administrator from another school district in this state. If a
35 probationary employee has received during the first school year of his
36 probationary period three evaluations which state that the employee's
37 overall performance has been satisfactory, the superintendent of
38 schools of the school district or his designee shall waive the second
39 year of the employee's probationary period by expressly providing in
40 writing on the final evaluation of the employee for the first
41 probationary year that the second year of his probationary period is
42 waived. Such an employee is entitled to be a postprobationary
43 employee in the ensuing year of employment.

44 5. If a probationary employee is notified that he will not be
45 reemployed for the second year of his probationary period or the
46 ensuing school year, his employment ends on the last day of the
47 current school year. The notice that he will not be reemployed must
48 include a statement of the reasons for that decision.



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

If ~~he~~ :

(a) A postprobationary teacher who is an administrator is not reemployed ~~in that capacity~~ *as an administrator* after either year of his probationary period ~~he may accept~~ ; and

(b) *There is a position as a teacher available for the ensuing school year in the school district in which the person is employed, the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year . The person may accept the contract in writing on or before May 10. If ~~he~~ the person fails to accept the contract as a teacher, ~~he~~ the person shall be deemed to have rejected the offer of a contract as a teacher.*

7. An administrator who has completed his probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed ~~in that capacity~~ *as a principal* after the expiration of the additional probationary period, ~~he may accept~~ *the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year ~~in writing, on or before May 10,~~ for the administrative position in which ~~he~~ the person attained postprobationary status. ~~He~~ The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, ~~he~~ the person shall be deemed to have rejected the offer of employment.*

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

Sec. 5. This act becomes effective upon passage and approval.

