

ASSEMBLY BILL NO. 460—ASSEMBLYMEN ANDERSON, KOIVISTO, PARKS, PARNELL, BEERS, ATKINSON, BOBZIEN, BUCKLEY, CARPENTER, CLABORN, CONKLIN, DENIS, GANSERT, GERHARDT, GOEDHART, GOICOECHEA, GRADY, HARDY, HOGAN, HORNE, KIHUEN, KIRKPATRICK, LESLIE, MABEY, MANENDO, MARVEL, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PIERCE, SEGERBLOM, SETTELMAYER, SMITH, STEWART, WEBER AND WOMACK

MARCH 19, 2007

Referred to Concurrent Committees on
Education and Ways and Means

SUMMARY—Revises provisions regarding public schools and educational personnel. (BDR 34-1279)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Contains Appropriation not included in Executive Budget.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring each school district to develop a program to provide enhanced compensation to employees of the school district; making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill requires the board of trustees of each school district to establish a design team to facilitate the design, development and implementation of a program to provide enhanced compensation to employees of the school district.

Existing law requires each probationary teacher to be evaluated at least three times during each school year and a postprobationary teacher to be evaluated at least once each school year. (NRS 391.3125) **Section 6** of this bill requires an administrator who is responsible for evaluating a teacher to personally observe that teacher in the classroom for not less than 60 minutes during each evaluation period. If a deficiency is discovered during the evaluation process, a reasonable effort must be made to assist the teacher to correct the deficiency. Existing law prescribes the circumstances under which an administrator may admonish an employee. (NRS 391.313) **Section 7** of this bill requires an admonition to include a description of



13 the deficiencies of the teacher and the actions that are necessary to correct those
14 deficiencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** (Deleted by amendment.)

4 **Sec. 4.** (Deleted by amendment.)

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

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

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

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

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

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

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

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

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



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

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

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

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

12 ***(b) Bargained for in accordance with the provisions of chapter***
13 ***288 of NRS.***

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

16 **Sec. 6.** NRS 391.3125 is hereby amended to read as follows:

17 391.3125 1. It is the intent of the Legislature that a uniform
18 system be developed for objective evaluation of teachers and other
19 licensed personnel in each school district.

20 2. Each board, following consultation with and involvement of
21 elected representatives of the teachers or their designees, shall
22 develop a policy for objective evaluations in narrative form. The
23 policy must set forth a means according to which an employee's
24 overall performance may be determined to be satisfactory or
25 unsatisfactory. The policy may include an evaluation by the teacher,
26 pupils, administrators or other teachers or any combination thereof.
27 In a similar manner, counselors, librarians and other licensed
28 personnel must be evaluated on forms developed specifically for
29 their respective specialties. A copy of the policy adopted by the
30 board must be filed with the Department. The primary purpose of an
31 evaluation is to provide a format for constructive assistance.
32 Evaluations, while not the sole criterion, must be used in the
33 dismissal process.

34 3. A conference and a written evaluation for a probationary
35 employee must be concluded ~~no~~ **not** later than:

36 (a) December 1;

37 (b) February 1; and

38 (c) April 1,

39 ***↪ of each school year of the probationary period, except that a***
40 ***probationary employee assigned to a school that operates all year***
41 ***must be evaluated at least three times during each 12 months of***
42 ***employment on a schedule determined by the board. An***
43 ***administrator charged with the evaluation of a probationary***
44 ***teacher shall personally observe the performance of the teacher in***
45 ***the classroom for not less than a cumulative total of 60 minutes***



* A B 4 6 0 R 1 *

during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation ~~[no]~~ *not* later than ~~[February 15]~~ *March 1* of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. *An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.*

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~[, if]~~ *include, without limitation:*

(a) *An evaluation of the classroom management skills of the teacher;*

(b) *A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;*

(c) *An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;*

(d) *An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;*

(e) *If necessary, [include] recommendations for improvements in [his] the performance* ~~[. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation.]~~ *of the teacher;*

(f) *A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation;*
and



(g) *A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.*

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. *Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.*

Sec. 7. 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 ~~or~~ or 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 ~~2.3~~ 3, 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.

➤ *The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.*

2. 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.

~~2.3~~ 3. 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 15~~ March 1 of the first or second year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

~~3.3~~ 4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in



1 NRS 391.311 to 391.3197, inclusive, without the admonition
2 required by this section, on grounds contained in paragraphs (b), (f),
3 (g), (h) and (p) of subsection 1 of NRS 391.312.

4 **Sec. 8.** NRS 391.3197 is hereby amended to read as follows:

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

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

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

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



1 probationary period is waived. Such an employee is entitled to be a
2 postprobationary employee in the ensuing year of employment.

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

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

18 (a) A postprobationary teacher who is an administrator is not
19 reemployed as an administrator after either year of his probationary
20 period; and

21 (b) There is a position as a teacher available for the ensuing
22 school year in the school district in which the person is employed,
23 ➤ the board of trustees of the school district shall, on or before
24 May 1, offer the person a contract as a teacher for the ensuing
25 school year. The person may accept the contract in writing on or
26 before May 10. If the person fails to accept the contract as a teacher,
27 the person shall be deemed to have rejected the offer of a contract as
28 a teacher.

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

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

45 **Sec. 9.** (Deleted by amendment.)



- 1 **Sec. 10.** (Deleted by amendment.)
2 **Sec. 11.** This act becomes effective on July 1, 2007.

