

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.

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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; 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 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 the deficiencies of the teacher and the actions that are necessary to correct those 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.** (Deleted by amendment.)

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

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

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

24 3. A conference and a written evaluation for a probationary
25 employee must be concluded ~~not~~ **not** later than:

- 26 (a) December 1;
27 (b) February 1; and
28 (c) April 1,

29 ➔ of each school year of the probationary period, except that a
30 probationary employee assigned to a school that operates all year
31 must be evaluated at least three times during each 12 months of
32 employment on a schedule determined by the board. ***An***
33 ***administrator charged with the evaluation of a probationary***
34 ***teacher shall personally observe the performance of the teacher in***
35 ***the classroom for not less than a cumulative total of 60 minutes***
36 ***during each evaluation period, with at least one observation***
37 ***during that 60-minute evaluation period consisting of at least 45***
38 ***consecutive minutes.***

39 4. Whenever an administrator charged with the evaluation of a
40 probationary employee believes the employee will not be
41 reemployed for the second year of the probationary period or the
42 school year following the probationary period, he shall bring the



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1 matter to the employee's attention in a written document which is
2 separate from the evaluation ~~[no]~~ *not* later than ~~[February 15]~~
3 *March 1* of the current school year. The notice must include the
4 reasons for the potential decision not to reemploy or refer to the
5 evaluation in which the reasons are stated. Such a notice is not
6 required if the probationary employee has received a letter of
7 admonition during the current school year.

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

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

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

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

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

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

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

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

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

40 7. The teacher must receive a copy of each evaluation not later
41 than 15 days after the evaluation. A copy of the evaluation and the
42 teacher's response must be permanently attached to the teacher's
43 personnel file. *Upon the request of a teacher, a reasonable effort*
44 *must be made to assist the teacher to correct those deficiencies*



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1 *reported in the evaluation of the teacher for which the teacher*
2 *requests assistance.*

3 **Sec. 7.** NRS 391.313 is hereby amended to read as follows:

4 391.313 1. Whenever an administrator charged with
5 supervision of a licensed employee believes it is necessary to
6 admonish the employee for a reason that he believes may lead to
7 demotion ~~[2-]~~ or dismissal or cause the employee not to be
8 reemployed under the provisions of NRS 391.312, he shall:

9 (a) Except as otherwise provided in subsection ~~[2-]~~ 3, bring the
10 matter to the attention of the employee involved, in writing, stating
11 the reasons for the admonition and that it may lead to his demotion,
12 dismissal or a refusal to reemploy him, and make a reasonable effort
13 to assist the employee to correct whatever appears to be the cause
14 for his potential demotion, dismissal or a potential recommendation
15 not to reemploy him; and

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

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

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

29 ~~[2-]~~ 3. An administrator need not admonish an employee
30 pursuant to paragraph (a) of subsection 1 if his employment will be
31 terminated pursuant to NRS 391.3197. If by ~~[February 15]~~ *March 1*
32 of the first or second year of his probationary period a probationary
33 employee does not receive a written notice pursuant to subsection 4
34 of NRS 391.3125 of a potential decision not to reemploy him, he
35 must receive an admonition before any such decision is made.

36 ~~[3-]~~ 4. A licensed employee is subject to immediate dismissal
37 or a refusal to reemploy according to the procedures provided in
38 NRS 391.311 to 391.3197, inclusive, without the admonition
39 required by this section, on grounds contained in paragraphs (b), (f),
40 (g), (h) and (p) of subsection 1 of NRS 391.312.

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

42 391.3197 1. A probationary employee is employed on a
43 contract basis for two 1-year periods and has no right to
44 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 appropriate, of his acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify him in writing, in both the first and second years of his probationary period, no later than 45 days before his last day of work for the year under his contract whether he is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. He must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

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

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

5. If a probationary employee is notified that he will not be reemployed for the second year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must 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:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his probationary period; 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 the person fails to accept the contract as a teacher, 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 as a principal after the expiration of the additional probationary period, 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 for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, 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. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. This act becomes effective on July 1, 2007.

