

SENATE BILL NO. 328—SENATOR BEERS

MARCH 19, 2007

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing educational personnel.
(BDR 34-473)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: 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 educational personnel; requiring the board of trustees of each school district to adopt a program to engage administrators in annual classroom instruction and observation; making various changes regarding the evaluation and admonition of educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The board of trustees of a school district is authorized to employ a superintendent of schools, teachers and all other necessary employees. (NRS 391.100, 391.110, 391.120) **Section 1** of this bill requires the board of trustees of each school district to adopt a program to engage administrators in annual classroom instruction and observation in a manner that is appropriate for the responsibilities, position and duties of the administrators.

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 5** 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 a cumulative total of 60 minutes during each evaluation period, with at least one observation consisting of at least 45 minutes. If a deficiency is discovered during the evaluation process, every 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 6** of this bill requires that, if an administrator admonishes a teacher, an admonition must include a description of the deficiencies of the teacher and the actions that are necessary to correct those deficiencies.



* S B 3 2 8 R 1 *

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district shall adopt a policy that sets forth procedures and conditions for a program to engage administrators in annual classroom instruction and observation in a manner that is appropriate for the responsibilities, position and duties of the administrators. The policy must require each administrator employed by the school district to:

(a) If he holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If he does not hold a license to teach, personally observe a classroom for at least 1 regularly scheduled full instructional day in each school year.

2. A school level administrator shall carry out the requirements of this section at the school to which he is assigned. A district level administrator may choose a school within the school district at which he will carry out the requirements of this section.

3. An administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which he carries out the requirements of this section.

4. As used in this section:

(a) "Administrator" means each person employed by a school district to provide administrative service at:

(1) The district level, including, without limitation, the superintendent of schools of the school district;

(2) The school level, including, without limitation, a principal or vice principal; or

(3) Both the district level and the school level.

↪ The term does not include a teacher whose working time is primarily spent providing instruction in a classroom.

(b) "Core academic subject" means the core academic subjects designated pursuant to NRS 389.018.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)



* S B 3 2 8 R 1 *

Sec. 5. NRS 391.3125 is hereby amended to read as follows:

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

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

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

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

↳ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. *An administrator charged with the evaluation of a probationary 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 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.



* S B 3 2 8 R 1 *

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 45 consecutive minutes.*

6. The evaluation of a probationary teacher or a postprobationary teacher must ~~be~~ *if* :

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

(b) *Include a description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation.*

(c) *Include 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. 6. 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 *may* 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*, 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. 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-]~~ 4. 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. 7. 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 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



1 entitled to be a postprobationary employee in the ensuing year of
2 employment.

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

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

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

35 (a) A postprobationary teacher who is an administrator is not
36 reemployed as an administrator after either year of his probationary
37 period; and

38 (b) There is a position as a teacher available for the ensuing
39 school year in the school district in which the person is employed,
40 ➡ the board of trustees of the school district shall, on or before
41 May 1, offer the person a contract as a teacher for the ensuing
42 school year. The person may accept the contract in writing on or
43 before May 10. If the person fails to accept the contract as a teacher,
44 the person shall be deemed to have rejected the offer of a contract as
45 a teacher.



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

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

17 **Sec. 8.** On or before February 1, 2008, the board of trustees of
18 each school district shall submit a copy of the program to engage
19 administrators in annual classroom instruction and observation
20 adopted by the school district pursuant to section 1 of this act to the
21 Legislative Committee on Education and to the Director of the
22 Legislative Counsel Bureau for transmission to the 75th Session of
23 the Nevada Legislature.

24 **Sec. 9.** This act becomes effective on July 1, 2007.

