

## Amendment No. 765

Assembly Amendment to Assembly Bill No. 460 First Reprint (BDR 34-1279)

**Proposed by:** Assembly Committee on Ways and Means**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

JLW/BJE



Date: 5/16/2007

A.B. No. 460—Revises provisions regarding public schools and educational personnel. (BDR 34-1279)



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 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 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:

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

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

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

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

**Sec. 5.** ~~[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 establish a design team to facilitate the design, development and implementation of strategies to improve conditions of teaching and learning within the school district.~~

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

~~(a) Representatives of the school district; and~~

~~(b) Representatives of recognized employee organizations which represent one or more groups of employees of the school district.~~

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

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

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

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

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

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

~~5. A program of enhanced compensation developed pursuant to subsection 3 must be:~~

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

~~(b) Bargained for in accordance with the provisions of chapter 288 of NRS.~~

~~6. As used in this section, "employee organization" has the meaning ascribed to it in NRS 288.040.] (Deleted by amendment.)~~

**Sec. 6.** 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

1 satisfactory or unsatisfactory. The policy may include an evaluation by the teacher,  
2 pupils, administrators or other teachers or any combination thereof. In a similar  
3 manner, counselors, librarians and other licensed personnel must be evaluated on  
4 forms developed specifically for their respective specialties. A copy of the policy  
5 adopted by the board must be filed with the Department. The primary purpose of an  
6 evaluation is to provide a format for constructive assistance. Evaluations, while not  
7 the sole criterion, must be used in the dismissal process.

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

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

13 ~~of~~ *of* each school year of the probationary period, except that a probationary  
14 employee assigned to a school that operates all year must be evaluated at least three  
15 times during each 12 months of employment on a schedule determined by the  
16 board. *An administrator charged with the evaluation of a probationary teacher  
17 shall personally observe the performance of the teacher in the classroom for not  
18 less than a cumulative total of 60 minutes during each evaluation period, with at  
19 least one observation during that 60-minute evaluation period consisting of at  
20 least 45 consecutive minutes.*

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

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

36 6. The evaluation of a probationary teacher or a postprobationary teacher  
37 must ~~{, if}~~ *include, without limitation:*

- 38 (a) *An evaluation of the classroom management skills of the teacher;*  
39 (b) *A review of the lesson plans and the work log or grade book of pupils  
40 prepared by the teacher;*  
41 (c) *An evaluation of whether the curriculum taught by the teacher is aligned  
42 with the standards of content and performance established pursuant to NRS  
43 389.520, as applicable for the grade level taught by the teacher;*  
44 (d) *An evaluation of whether the teacher is appropriately addressing the  
45 needs of the pupils in the classroom, including, without limitation, special  
46 educational needs, cultural and ethnic diversity, the needs of pupils enrolled in  
47 advanced courses of study and the needs of pupils who are limited English  
48 proficient;*  
49 (e) *If necessary, ~~{include}~~ recommendations for improvements in ~~{his}~~ the  
50 performance ~~{, A reasonable effort must be made to assist the teacher to correct any  
51 deficiencies noted in the evaluation.}~~ of the teacher;*  
52 (f) *A description of the action that will be taken to assist the teacher in  
53 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~~ 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, 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. 8.** 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

1 the next school year as a postprobationary employee. He must advise the board in  
2 writing within 10 days after the date of notification of his acceptance or rejection of  
3 reemployment for another year. Failure to advise the board of his acceptance of  
4 reemployment constitutes rejection of the contract.

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

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

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

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

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

37 (b) There is a position as a teacher available for the ensuing school year in the  
38 school district in which the person is employed,

39 ➤ the board of trustees of the school district shall, on or before May 1, offer the  
40 person a contract as a teacher for the ensuing school year. The person may accept  
41 the contract in writing on or before May 10. If the person fails to accept the contract  
42 as a teacher, the person shall be deemed to have rejected the offer of a contract as a  
43 teacher.

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

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

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

5           **Sec. 10.** (Deleted by amendment.)

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