

Amendment No. 995

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

Proposed by: Senate Committee on Human Resources and Education**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.

KCR



Date: 5/24/2007

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:

Existing law requires the Department of Education to establish and maintain an automated system of accountability information for Nevada concerning the achievement and proficiency of pupils. Certain information that is collected as part of that system must not be used for the purpose of evaluating an individual teacher or paraprofessional. (NRS 386.650) Section 5.5 of this bill revises existing law to provide that such information may be used for the purpose of evaluating a teacher or paraprofessional as long as it is not used as the sole criterion for evaluation.

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. (Deleted by amendment.)

Sec. 5.5. **NRS 386.650 is hereby amended to read as follows:**

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each subgroup of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

↪ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction ~~(but must not)~~ **and may** be used for the purpose of evaluating an individual teacher or paraprofessional ~~+~~ **as long as the information is not the sole criterion by which the individual teacher or paraprofessional is evaluated.**

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of

1 data from the records of individual pupils to the automated system of information,
2 including, without limitation, the development of plans for the educational
3 technology which is necessary to adopt and maintain the program;

4 (b) Provide to the Department electronic data concerning pupils as required by
5 the Superintendent of Public Instruction pursuant to subsection 3; and

6 (c) Ensure that an electronic record is maintained in accordance with
7 subsection 3 of NRS 386.655.

8 3. The Superintendent of Public Instruction shall:

9 (a) Prescribe a uniform program throughout this State for the collection,
10 maintenance and transfer of data that each school district must adopt, which must
11 include standardized software;

12 (b) Prescribe the data to be collected and reported to the Department by each
13 school district and each sponsor of a charter school pursuant to subsection 2;

14 (c) Prescribe the format for the data;

15 (d) Prescribe the date by which each school district shall report the data;

16 (e) Prescribe the date by which each charter school shall report the data to the
17 sponsor of the charter school;

18 (f) Prescribe standardized codes for all data elements used within the
19 automated system and all exchanges of data within the automated system,
20 including, without limitation, data concerning:

21 (1) Individual pupils;

22 (2) Individual teachers and paraprofessionals;

23 (3) Individual schools and school districts; and

24 (4) Programs and financial information;

25 (g) Provide technical assistance to each school district to ensure that the data
26 from each public school in the school district, including, without limitation, each
27 charter school located within the school district, is compatible with the automated
28 system of information and comparable to the data reported by other school districts;
29 and

30 (h) Provide for the analysis and reporting of the data in the automated system
31 of information.

32 4. The Department shall establish, to the extent authorized by the Family
33 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any
34 regulations adopted pursuant thereto, a mechanism by which persons or entities,
35 including, without limitation, state officers who are members of the Executive or
36 Legislative Branch, administrators of public schools and school districts, teachers
37 and other educational personnel, and parents and guardians, will have different
38 types of access to the accountability information contained within the automated
39 system to the extent that such information is necessary for the performance of a
40 duty or to the extent that such information may be made available to the general
41 public without posing a threat to the confidentiality of an individual pupil.

42 5. The Department may, to the extent authorized by the Family Educational
43 Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted
44 pursuant thereto, enter into an agreement with the Nevada System of Higher
45 Education to provide access to data contained within the automated system for
46 research purposes.

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

48 391.3125 1. It is the intent of the Legislature that a uniform system be
49 developed for objective evaluation of teachers and other licensed personnel in each
50 school district.

51 2. Each board, following consultation with and involvement of elected
52 representatives of the teachers or their designees, shall develop a policy for
53 objective evaluations in narrative form. The policy must set forth a means

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

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

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

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

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

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

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

- 39 (a) *An evaluation of the classroom management skills of the teacher;*
- 40 (b) *A review of the lesson plans and the work log or grade book of pupils
41 prepared by the teacher;*
- 42 (c) *An evaluation of whether the curriculum taught by the teacher is aligned
43 with the standards of content and performance established pursuant to NRS
44 389.520, as applicable for the grade level taught by the teacher;*
- 45 (d) *An evaluation of whether the teacher is appropriately addressing the
46 needs of the pupils in the classroom, including, without limitation, special
47 educational needs, cultural and ethnic diversity, the needs of pupils enrolled in
48 advanced courses of study and the needs of pupils who are limited English
49 proficient;*

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

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

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

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

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

13 391.313 1. Whenever an administrator charged with supervision of a
14 licensed employee believes it is necessary to admonish the employee for a reason
15 that he believes may lead to demotion ~~or~~ dismissal or cause the employee not to
16 be reemployed under the provisions of NRS 391.312, he shall:

17 (a) Except as otherwise provided in subsection ~~2~~ 3, bring the matter to the
18 attention of the employee involved, in writing, stating the reasons for the
19 admonition and that it may lead to his demotion, dismissal or a refusal to reemploy
20 him, and make a reasonable effort to assist the employee to correct whatever
21 appears to be the cause for his potential demotion, dismissal or a potential
22 recommendation not to reemploy him; and

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

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

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

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

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

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

43 391.3197 1. A probationary employee is employed on a contract basis for
44 two 1-year periods and has no right to employment after either of the two
45 probationary contract years.

46 2. The board shall notify each probationary employee in writing on or before
47 May 1 of the first and second school years of his probationary period, as
48 appropriate, whether he is to be reemployed for the second year of the probationary
49 period or for the next school year as a postprobationary employee. The employee
50 must advise the board in writing on or before May 10 of the first or second year of
51 his probationary period, as appropriate, of his acceptance of reemployment. If a
52 probationary employee is assigned to a school that operates all year, the board shall
53 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.

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

1 accept the contract in writing on or before May 10. If the person fails to accept such
2 a contract, the person shall be deemed to have rejected the offer of employment.

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

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

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

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