

Amendment No. 317

Senate Amendment to Senate Bill No. 328	(BDR 34-473)
<b>Proposed by:</b> Senate Committee on Human Resources and Education	
<b>Amends:</b> Summary: No Title: Yes 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: 4/16/2007

S.B. No. 328—Revises provisions governing educational personnel. (BDR 34-473)



## 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; ~~prohibiting~~ **requiring** the board of trustees of ~~each~~ school district ~~from employing or reemploying a person as an administrator unless that person has certain experience in a classroom;~~ **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 ~~prohibits the board of trustees of a school district from employing or reemploying a person as an administrator unless: (1) if the person holds a license to teach, he provides instruction in a classroom for at least 1 day during each semester in the year before his employment or reemployment by the school district; or (2) if the person does not hold a license to teach, he personally observes a classroom for at least 1 day during each semester in the year before his employment or reemployment by the school district.~~ **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 ~~1 hour~~ **a cumulative total of 60 minutes** during each evaluation period ~~1 hour~~, **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.

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 ~~not employ or reemploy a person as an administrator unless the person has:~~ 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, ~~provided~~ provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day ~~during each semester~~ in each school year; or**

**(b) If he does not hold a license to teach, personally ~~observe~~ observe a classroom for at least 1 regularly scheduled full instructional day ~~during each semester~~ in the year immediately preceding the date of his employment or the date of his reemployment, as applicable, 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 ~~“administrator”~~:**

**(a) “Administrator” means each person employed by a school district to provide administrative service at ~~the~~**

**~~“District”~~:**

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

**~~“School”~~**

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

**~~“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. [NRS 391.100 is hereby amended to read as follows:**

**391.100 1. [The] Except as otherwise provided in section 1 of this act, the board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.**

**2. A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6219(a). For the purposes of this subsection, a person is not “initially hired” if he has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his current employer.**

~~3. A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if he teaches;~~

~~(a) English, reading or language arts;~~

~~(b) Mathematics;~~

~~(c) Science;~~

~~(d) Foreign language;~~

~~(e) Civics or government;~~

~~(f) Economics;~~

~~(g) Geography;~~

~~(h) History; or~~

~~(i) The arts;~~

~~4. The board of trustees of a school district:~~

~~(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(e). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(e). For the purposes of this paragraph, a person is not "initially hired" if he has been employed as a paraprofessional by another school district or charter school in this State without an interruption in employment before the date of hire by his current employer.~~

~~(b) Shall establish policies governing the duties and performance of teacher aides;~~

~~5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of his fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.~~

~~6. Except as otherwise provided in subsection 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:~~

~~(a) Sick leave;~~

~~(b) Sabbatical leave;~~

~~(c) Personal leave;~~

~~(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;~~

~~(e) Maternity leave; and~~

~~(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.~~

~~to submit a set of his fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.~~

~~7. [A] The board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from~~

1 employment authorized by the school district to submit a set of his fingerprints as a  
2 condition of return to or continued employment with the school district if the board  
3 of trustees has probable cause to believe that the person has committed a felony or  
4 an offense involving moral turpitude during the period of his leave of absence.

5 ~~8. The board of trustees of a school district may employ or appoint persons to~~  
6 ~~serve as school police officers. If the board of trustees of a school district employs~~  
7 ~~or appoints persons to serve as school police officers, the board of trustees shall~~  
8 ~~employ a law enforcement officer to serve as the chief of school police who is~~  
9 ~~supervised by the superintendent of schools of the school district. The chief of~~  
10 ~~school police shall supervise each person appointed or employed by the board of~~  
11 ~~trustees as a school police officer. In addition, persons who provide police services~~  
12 ~~pursuant to subsection 9 or 10 shall be deemed school police officers.~~

13 ~~9. The board of trustees of a school district in a county that has a metropolitan~~  
14 ~~police department created pursuant to chapter 280 of NRS may contract with the~~  
15 ~~metropolitan police department for the provision and supervision of police services~~  
16 ~~in the public schools within the jurisdiction of the metropolitan police department~~  
17 ~~and on property therein that is owned by the school district. If a contract is entered~~  
18 ~~into pursuant to this subsection, the contract must make provision for the transfer of~~  
19 ~~each school police officer employed by the board of trustees to the metropolitan~~  
20 ~~police department. If the board of trustees of a school district contracts with a~~  
21 ~~metropolitan police department pursuant to this subsection, the board of trustees~~  
22 ~~shall, if applicable, cooperate with appropriate local law enforcement agencies~~  
23 ~~within the school district for the provision and supervision of police services in the~~  
24 ~~public schools within the school district and on property owned by the school~~  
25 ~~district, but outside the jurisdiction of the metropolitan police department.~~

26 ~~10. The board of trustees of a school district in a county that does not have a~~  
27 ~~metropolitan police department created pursuant to chapter 280 of NRS may~~  
28 ~~contract with the sheriff of that county for the provision of police services in the~~  
29 ~~public schools within the school district and on property therein that is owned by~~  
30 ~~the school district.] (Deleted by amendment.)~~

31 **Sec. 3. [NRS 391.110 is hereby amended to read as follows:]**

32 ~~391.110 1. [The] Except as otherwise provided in section 1 of this act, the~~  
33 ~~board of trustees of a school district may:~~

34 ~~(a) Employ any person whom the board of trustees determines is qualified to~~  
35 ~~serve as the superintendent of schools of the school district. The Commission may~~  
36 ~~require the superintendent of any school district to hold a master's degree.~~

37 ~~(b) Define his powers and fix his duties.~~

38 ~~(c) Fix his salary.~~

39 ~~2. If the board of trustees of a school district employs a person who is not~~  
40 ~~licensed as an administrator to serve as the superintendent of schools, the board of~~  
41 ~~trustees shall employ a person who is licensed as an administrator to oversee the~~  
42 ~~academic programs of the public schools within the school district.~~

43 ~~3. A superintendent of schools may be employed for an initial term not to~~  
44 ~~exceed 4 years. The term of any subsequent employment may be of any duration.~~

45 ~~4. A superintendent of schools may be dismissed at any time for cause.~~

46 ~~5. A superintendent of schools may administer oaths or affirmations relating~~  
47 ~~to public schools.] (Deleted by amendment.)~~

48 **Sec. 4. [NRS 391.120 is hereby amended to read as follows:]**

49 ~~391.120 1. [Boards] Except as otherwise provided in section 1 of this act,~~  
50 ~~the board of trustees of [the school districts] a school district in this State may~~  
51 ~~employ legally qualified teachers and other licensed personnel and may determine~~  
52 ~~their salaries and the length of the term of school for which they are employed.~~  
53 ~~These conditions and any other conditions agreed upon by the parties must be~~

embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the employee. A copy of the contract or notice of reemployment, properly written, must be delivered to each teacher or other licensed employee not later than the opening of the term of school.

~~2. A board of trustees may not employ teachers or other licensed personnel for any school year commencing after the expiration of the time for which any member of the board of trustees was elected or appointed.~~

~~3. It is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which the teacher is engaged to teach. The board of trustees shall suspend or terminate, as applicable, the employment of any teacher who fails to maintain a license issued pursuant to this chapter in force, if such a license is required for employment. Any such suspension or termination must comply with the requirements of NRS 391.301 to 391.309, inclusive.~~

~~4. On or before November 15 of each year, the school district shall submit to the Department, in a form prescribed by the Superintendent of Public Instruction, the following information for each licensed employee employed by the school district on October 1 of that year:~~

~~(a) The amount of salary of the employee; and~~

~~(b) The designated assignment, as that term is defined by the Department, [of Education,] of the employee.] (Deleted by amendment.)~~

**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 ~~at least 1 hour~~ not less than a cumulative total of 60 minutes during each evaluation period ~~14~~, 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

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

6 5. Each postprobationary teacher must be evaluated at least once each year.  
7 *An administrator charged with the evaluation of a postprobationary teacher shall*  
8 *personally observe the performance of the teacher in the classroom for ~~at least 1~~*  
9 *~~hour~~ not less than a cumulative total of 60 minutes during each evaluation*  
10 *period ~~1~~, with at least one observation during that 60-minute evaluation period*  
11 *consisting of at least 45 consecutive minutes.*

12 6. The evaluation of a probationary teacher or a postprobationary teacher  
13 must ~~be~~:

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

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

19 (c) *Include a statement by the administrator who evaluated the teacher*  
20 *indicating the amount of time that the administrator personally observed the*  
21 *performance of the teacher in the classroom.*

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

28 **Sec. 6.** NRS 391.313 is hereby amended to read as follows:

29 391.313 1. Whenever an administrator charged with supervision of a  
30 licensed employee believes it is necessary to admonish the employee for a reason  
31 that he believes may lead to demotion ~~or~~ *or* dismissal or *may* cause the employee  
32 not to be reemployed under the provisions of NRS 391.312, he shall:

33 (a) Except as otherwise provided in subsection ~~2~~ *3*, bring the matter to the  
34 attention of the employee involved, in writing, stating the reasons for the  
35 admonition and that it may lead to his demotion, dismissal or a refusal to reemploy  
36 him, and make a reasonable effort to assist the employee to correct whatever  
37 appears to be the cause for his potential demotion, dismissal or a potential  
38 recommendation not to reemploy him; and

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

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

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

48 ~~2~~ *3*. An administrator need not admonish an employee pursuant to  
49 paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS  
50 391.3197. If by ~~February 15~~ *March 1* of the first or second year of his  
51 probationary period a probationary employee does not receive a written notice  
52 pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy  
53 him, he must receive an admonition before any such decision is made.

~~3.4~~ 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 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:



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

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

5 the board of trustees of the school district shall, on or before May 1, offer the  
6 person a contract as a teacher for the ensuing school year. The person may accept  
7 the contract in writing on or before May 10. If the person fails to accept the contract  
8 as a teacher, the person shall be deemed to have rejected the offer of a contract as a  
9 teacher.

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

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

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

29 ~~[Sec. 8.]~~ **Sec. 9.** This act becomes effective on July 1, 2007.