

(Reprinted with amendments adopted on June 5, 2011)

THIRD REPRINT

A.B. 222

ASSEMBLY BILL NO. 222—ASSEMBLYMEN SMITH, BOBZIEN, OCEGUERA, CONKLIN, ANDERSON; ATKINSON, BENITEZ-THOMPSON, CARRILLO, DALY, DONDERO LOOP, FRIERSON, HANSEN, HICKEY, HOGAN, HORNE, KIRNER, MASTROLUCA, SEGERBLOM AND STEWART

MARCH 1, 2011

JOINT SPONSORS: SENATORS HORSFORD AND LESLIE

Referred to Concurrent Committees on
Education and Ways and Means

SUMMARY—Creates the Teachers and Leaders Council of Nevada. (BDR 34-873)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; creating the Teachers and Leaders Council of Nevada; prescribing the membership and duties of the Council; requiring the State Board of Education to establish a statewide performance evaluation system for teachers and administrators; revising provisions governing the policies for the evaluation of teachers and administrators; revising the designations required of the evaluations of teachers and administrators; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Sections 4-6** of this bill create the Teachers and Leaders Council of Nevada and
- 2 prescribe the membership and duties of the Council. **Section 6** requires the Council
- 3 to make recommendations to the State Board of Education for the establishment of
- 4 a statewide performance evaluation system for teachers and administrators
- 5 employed by school districts.
- 6 Existing law requires the automated system of accountability information for
- 7 Nevada to track the achievement of pupils over time and to identify which teachers
- 8 are assigned to individual pupils. The information is required to be considered, but



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must not be the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee. (NRS 386.650) Existing law also requires the board of trustees of each school district to develop a policy for the evaluation of teachers and administrators pursuant to which the performance of an individual teacher or administrator is designated as "satisfactory" or "unsatisfactory." (NRS 391.3125, 391.3127) **Section 7** of this bill requires the State Board of Education, based upon the recommendations of the Council, to establish a statewide performance evaluation system for teachers and administrators employed by school districts. Effective July 1, 2013, the statewide performance evaluation system will require the evaluation of an individual teacher or administrator as "highly effective," "effective," "minimally effective" or "ineffective." Assembly Bill No. 229 of this session, which was enacted by the Legislature on June 2, 2011, requires that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for at least 50 percent of the evaluations of teachers and administrators. **Sections 2 and 7** of this bill make conforming changes on the use of pupil achievement data in the evaluation of teachers and administrators as the requirements on the use of that data contained in Assembly Bill No. 229. **Sections 8.5 and 9.5** of this bill require the policies for the evaluations of teachers and administrators employed by school districts to comply with the statewide performance evaluation system established by the State Board.

Until the implementation of the statewide performance evaluation system, **sections 8 and 9** of this bill provide that the policies for the evaluations of teachers and administrators employed by school districts must require that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for a significant portion of the evaluation, as determined by the board of trustees.

Assembly Bill No. 229 of this session, provides that if the written evaluation of a probationary teacher or probationary administrator states that the overall performance of the teacher or administrator has been designated as "unsatisfactory," the evaluation must include a written statement which states that if the teacher or administrator has received two evaluations for the school year which designate his or her performance as "unsatisfactory" and the teacher or administrator has another evaluation remaining in the school year, the teacher or administrator may request that the remaining evaluation be conducted by another administrator. **Section 10.3** of this bill amends Assembly Bill No. 229 to provide that the probationary teacher or probationary administrator may make such a request if the teacher or administrator receives an "unsatisfactory" evaluation on the first or second evaluation, or both evaluations. Effective on July 1, 2013, **section 10.4** of this bill amends Assembly Bill No. 229 to provide that the probationary teacher or probationary administrator may make such a request for an outside evaluator if he or she receives an evaluation of "minimally effective" or "ineffective" on the first or second evaluation, or both evaluations.

Section 10.5 of this bill makes an appropriation to the Department of Education for the costs associated with the Teachers and Leaders Council of Nevada created by **section 5**.

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

Section 1. (Deleted by amendment.)



Sec. 2. 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 group 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.



1 ↪ The information maintained pursuant to paragraphs (c), (d) and
2 (e) must be used for the purpose of improving the achievement of
3 pupils and improving classroom instruction. The information must
4 ~~be considered.~~ **account for at least 50 percent**, but must not be
5 used as the sole criterion, in evaluating the performance of or taking
6 disciplinary action against an individual teacher, paraprofessional or
7 other employee.

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

9 (a) Adopt and maintain the program prescribed by the
10 Superintendent of Public Instruction pursuant to subsection 3 for the
11 collection, maintenance and transfer of data from the records of
12 individual pupils to the automated system of information, including,
13 without limitation, the development of plans for the educational
14 technology which is necessary to adopt and maintain the program;

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

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

20 3. The Superintendent of Public Instruction shall:

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

24 (b) Prescribe the data to be collected and reported to the
25 Department by each school district and each sponsor of a charter
26 school pursuant to subsection 2 and by each university school for
27 profoundly gifted pupils;

28 (c) Prescribe the format for the data;

29 (d) Prescribe the date by which each school district shall report
30 the data to the Department;

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

33 (f) Prescribe the date by which each university school for
34 profoundly gifted pupils shall report the data to the Department;

35 (g) Prescribe standardized codes for all data elements used
36 within the automated system and all exchanges of data within the
37 automated system, including, without limitation, data concerning:

38 (1) Individual pupils;

39 (2) Individual teachers and paraprofessionals;

40 (3) Individual schools and school districts; and

41 (4) Programs and financial information;

42 (h) Provide technical assistance to each school district to ensure
43 that the data from each public school in the school district,
44 including, without limitation, each charter school and university
45 school for profoundly gifted pupils located within the school



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1 district, is compatible with the automated system of information and
2 comparable to the data reported by other school districts; and

3 (i) Provide for the analysis and reporting of the data in the
4 automated system of information.

5 4. The Department shall establish, to the extent authorized by
6 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
7 1232g, and any regulations adopted pursuant thereto, a mechanism
8 by which persons or entities, including, without limitation, state
9 officers who are members of the Executive or Legislative Branch,
10 administrators of public schools and school districts, teachers and
11 other educational personnel, and parents and guardians, will have
12 different types of access to the accountability information contained
13 within the automated system to the extent that such information is
14 necessary for the performance of a duty or to the extent that such
15 information may be made available to the general public without
16 posing a threat to the confidentiality of an individual pupil.

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

23 **Sec. 3.** Chapter 391 of NRS is hereby amended by adding
24 thereto the provisions set forth as sections 4 to 7, inclusive, of this
25 act.

26 **Sec. 4.** *As used in sections 5 and 6 of this act, "Council"*
27 *means the Teachers and Leaders Council of Nevada created by*
28 *section 5 of this act.*

29 **Sec. 5.** *1. There is hereby created the Teachers and*
30 *Leaders Council of Nevada consisting of the following 15*
31 *members:*

32 *(a) The Superintendent of Public Instruction, or his or her*
33 *designee, who serves as an ex officio member of the Council.*

34 *(b) The Chancellor of the Nevada System of Higher*
35 *Education, or his or her designee, who serves as an ex officio*
36 *member of the Council.*

37 *(c) Four teachers in public schools appointed by the Governor*
38 *from a list of nominees submitted by the Nevada State Education*
39 *Association. The members appointed pursuant to this paragraph*
40 *must represent the geographical diversity of the school districts in*
41 *this State.*

42 *(d) Two administrators in public schools appointed by the*
43 *Governor from a list of nominees submitted by the Nevada*
44 *Association of School Administrators and one superintendent of*
45 *schools of a school district appointed by the Governor from a list*



1 of nominees submitted by the Nevada Association of School
2 Superintendents. The members appointed pursuant to this
3 paragraph must represent the geographical diversity of the school
4 districts in this State.

5 (e) Two persons who are members of boards of trustees of
6 school districts and who are appointed by the Governor from a list
7 of nominees submitted by the Nevada Association of School
8 Boards.

9 (f) One representative of the regional training programs for
10 the professional development of teachers and administrators
11 created by NRS 391.512 appointed by the Governor from a list of
12 nominees submitted by the Nevada Association of School
13 Superintendents.

14 (g) One parent or legal guardian of a pupil enrolled in public
15 school appointed by the Governor from a list of nominees
16 submitted by the Nevada Parent Teacher Association.

17 (h) Two persons with expertise in the development of public
18 policy relating to education appointed by the Superintendent of
19 Public Instruction. The members appointed pursuant to this
20 paragraph must not otherwise be eligible for appointment
21 pursuant to paragraphs (a) to (g), inclusive.

22 2. After the initial terms, each appointed member of the
23 Council serves a term of 3 years commencing on July 1 and may
24 be reappointed to one additional 3-year term following his or her
25 initial term. If any appointed member of the Council ceases to be
26 qualified for the position to which he or she was appointed, the
27 position shall be deemed vacant and the appointing authority shall
28 appoint a replacement for the remainder of the unexpired term. A
29 vacancy must be filled in the same manner as the original
30 appointment.

31 3. The Council shall, at its first meeting and annually
32 thereafter, elect a Chair from among its members.

33 4. The Council shall meet at least semiannually and may
34 meet at other times upon the call of the Chair or a majority of the
35 members of the Council. Nine members of the Council constitute a
36 quorum, and a quorum may exercise all the power and authority
37 conferred on the Council.

38 5. Members of the Council serve without compensation,
39 except that for each day or portion of a day during which a
40 member of the Council attends a meeting of the Council or is
41 otherwise engaged in the business of the Council, the member is
42 entitled to receive the per diem allowance and travel expenses
43 provided for state officers and employees generally.

44 6. A member of the Council who is a public employee must be
45 granted administrative leave from the member's duties to engage



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1 in the business of the Council without loss of his or her regular
2 compensation. Such leave does not reduce the amount of the
3 member's other accrued leave.

4 7. The Department shall provide administrative support to the
5 Council.

6 8. The Council may apply for and accept gifts, grants,
7 donations and contributions from any source for the purpose of
8 carrying out its duties pursuant to section 6 of this act.

9 Sec. 6. 1. The Council shall:

10 (a) Make recommendations to the State Board concerning the
11 adoption of regulations for establishing a statewide performance
12 evaluation system to ensure that teachers and administrators
13 employed by school districts are:

14 (1) Evaluated using multiple, fair, timely, rigorous and
15 valid methods, which includes evaluations based upon pupil
16 achievement data as required by NRS 386.650 and section 7 of this
17 act;

18 (2) Afforded a meaningful opportunity to improve their
19 effectiveness through professional development that is linked to
20 their evaluations; and

21 (3) Provided with the means to share effective educational
22 methods with other teachers and administrators throughout this
23 State.

24 (b) Develop and recommend to the State Board a plan,
25 including duties and associated costs, for the development and
26 implementation of the performance evaluation system by the
27 Department and school districts.

28 (c) Consider the role of professional standards for teachers
29 and administrators and, as it determines appropriate, develop a
30 plan for recommending the adoption of such standards by the
31 State Board.

32 2. The performance evaluation system recommended by the
33 Council must ensure that:

34 (a) Data derived from the evaluations is used to create
35 professional development programs that enhance the effectiveness
36 of teachers and administrators; and

37 (b) A timeline is included for monitoring the performance
38 evaluation system at least annually for quality, reliability, validity,
39 fairness, consistency and objectivity.

40 3. The Council may establish such working groups, task
41 forces and similar entities from within or outside its membership
42 as necessary to address specific issues or otherwise to assist in its
43 work.

44 4. The State Board shall consider the recommendations made
45 by the Council pursuant to this section and shall adopt regulations



1 *establishing a statewide performance evaluation system as*
2 *required by section 7 of this act.*

3 **Sec. 7. 1. The State Board shall, based upon the**
4 **recommendations of the Teachers and Leaders Council of Nevada**
5 **submitted pursuant to section 6 of this act, adopt regulations**
6 **establishing a statewide performance evaluation system which**
7 **incorporates multiple measures of an employee's performance.**

8 **2. The statewide performance evaluation system must:**

9 **(a) Require that an employee's overall performance is**
10 **determined to be:**

11 **(1) Highly effective;**

12 **(2) Effective;**

13 **(3) Minimally effective; or**

14 **(4) Ineffective.**

15 **(b) Include the criteria for making each designation identified**
16 **in paragraph (a).**

17 **(c) Require that the information maintained pursuant to**
18 **paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650**
19 **account for at least 50 percent of the evaluation.**

20 **(d) Include an evaluation of whether the teacher or**
21 **administrator employs practices and strategies to involve and**
22 **engage the parents and families of pupils.**

23 **Sec. 8. NRS 391.3125 is hereby amended to read as follows:**

24 **391.3125 1. It is the intent of the Legislature that a uniform**
25 **system be developed for objective evaluation of teachers and other**
26 **licensed personnel in each school district.**

27 **2. Each board, following consultation with and involvement of**
28 **elected representatives of the teachers or their designees, shall**
29 **develop a policy for objective evaluations in narrative form. The**
30 **policy must set forth a means according to which an employee's**
31 **overall performance may be determined to be satisfactory or**
32 **unsatisfactory. The policy must require that the information**
33 **maintained pursuant to paragraphs (c), (d) and (e) of subsection 1**
34 **of NRS 386.650 account for a significant portion of the**
35 **evaluation, as determined by the board.** The policy may include an
36 evaluation by the teacher, pupils, administrators or other teachers or
37 any combination thereof. In a similar manner, counselors, librarians
38 and other licensed personnel must be evaluated on forms developed
39 specifically for their respective specialties. A copy of the policy
40 adopted by the board must be filed with the Department. The
41 primary purpose of an evaluation is to provide a format for
42 constructive assistance. Evaluations, while not the sole criterion,
43 must be used in the dismissal process.

44 **3. A conference and a written evaluation for a probationary**
45 **employee must be concluded not later than:**



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

4 ➔ of each school year of the probationary period, except that a
5 probationary employee assigned to a school that operates all year
6 must be evaluated at least three times during each 12 months of
7 employment on a schedule determined by the board. An
8 administrator charged with the evaluation of a probationary teacher
9 shall personally observe the performance of the teacher in the
10 classroom for not less than a cumulative total of 60 minutes during
11 each evaluation period, with at least one observation during that
12 60-minute evaluation period consisting of at least 45 consecutive
13 minutes.

14 4. Whenever an administrator charged with the evaluation of a
15 probationary employee believes the employee will not be
16 reemployed for the second year of the probationary period or the
17 school year following the probationary period, the administrator
18 shall bring the matter to the employee's attention in a written
19 document which is separate from the evaluation not later than
20 March 1 of the current school year. The notice must include the
21 reasons for the potential decision not to reemploy or refer to the
22 evaluation in which the reasons are stated. Such a notice is not
23 required if the probationary employee has received a letter of
24 admonition during the current school year.

25 5. Each postprobationary teacher must be evaluated at least
26 once each year. An administrator charged with the evaluation of a
27 postprobationary teacher shall personally observe the performance
28 of the teacher in the classroom for not less than a cumulative total of
29 60 minutes during each evaluation period, with at least one
30 observation during that 60-minute evaluation period consisting of at
31 least 30 consecutive minutes.

32 6. The evaluation of a probationary teacher or a
33 postprobationary teacher must include, without limitation:

34 (a) An evaluation of the classroom management skills of the
35 teacher;

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

38 (c) An evaluation of whether the curriculum taught by the
39 teacher is aligned with the standards of content and performance
40 established pursuant to NRS 389.520, as applicable for the grade
41 level taught by the teacher;

42 (d) An evaluation of whether the teacher is appropriately
43 addressing the needs of the pupils in the classroom, including,
44 without limitation, special educational needs, cultural and ethnic



1 diversity, the needs of pupils enrolled in advanced courses of study
2 and the needs of pupils who are limited English proficient;

3 (e) If necessary, recommendations for improvements in the
4 performance of the teacher;

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

7 (g) A statement by the administrator who evaluated the teacher
8 indicating the amount of time that the administrator personally
9 observed the performance of the teacher in the classroom.

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

17 **Sec. 8.5.** NRS 391.3125 is hereby amended to read as follows:

18 391.3125 1. It is the intent of the Legislature that a uniform
19 system be developed for objective evaluation of teachers and other
20 licensed personnel in each school district.

21 2. Each board, following consultation with and involvement of
22 elected representatives of the teachers or their designees, shall
23 develop a policy for objective evaluations in narrative form. The
24 policy must ~~set forth a means according to which an employee's~~
25 ~~overall performance may be determined to be satisfactory or~~
26 ~~unsatisfactory. The policy must require that the information~~
27 ~~maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of~~
28 ~~NRS 386.650 account for a significant portion of the evaluation, as~~
29 ~~determined by the board.]~~ *comply with the statewide performance*
30 *evaluation system established by the State Board pursuant to*
31 *section 7 of this act.* The policy may include an evaluation by the
32 teacher, pupils, administrators or other teachers or any combination
33 thereof. In a similar manner, counselors, librarians and other
34 licensed personnel must be evaluated on forms developed
35 specifically for their respective specialties. A copy of the policy
36 adopted by the board must be filed with the Department. The
37 primary purpose of an evaluation is to provide a format for
38 constructive assistance. Evaluations, while not the sole criterion,
39 must be used in the dismissal process.

40 3. A conference and a written evaluation for a probationary
41 employee must be concluded not later than:

42 (a) December 1;

43 (b) February 1; and

44 (c) April 1,



1 ↪ of each school year of the probationary period, except that a
2 probationary employee assigned to a school that operates all year
3 must be evaluated at least three times during each 12 months of
4 employment on a schedule determined by the board. An
5 administrator charged with the evaluation of a probationary teacher
6 shall personally observe the performance of the teacher in the
7 classroom for not less than a cumulative total of 60 minutes during
8 each evaluation period, with at least one observation during that
9 60-minute evaluation period consisting of at least 45 consecutive
10 minutes.

11 4. Whenever an administrator charged with the evaluation of a
12 probationary employee believes the employee will not be
13 reemployed for the second year of the probationary period or the
14 school year following the probationary period, the administrator
15 shall bring the matter to the employee's attention in a written
16 document which is separate from the evaluation not later than
17 March 1 of the current school year. The notice must include the
18 reasons for the potential decision not to reemploy or refer to the
19 evaluation in which the reasons are stated. Such a notice is not
20 required if the probationary employee has received a letter of
21 admonition during the current school year.

22 5. Each postprobationary teacher must be evaluated at least
23 once each year. An administrator charged with the evaluation of a
24 postprobationary teacher shall personally observe the performance
25 of the teacher in the classroom for not less than a cumulative total of
26 60 minutes during each evaluation period, with at least one
27 observation during that 60-minute evaluation period consisting of at
28 least 30 consecutive minutes.

29 6. The evaluation of a probationary teacher or a
30 postprobationary teacher must include, without limitation:

31 (a) An evaluation of the classroom management skills of the
32 teacher;

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

35 (c) An evaluation of whether the curriculum taught by the
36 teacher is aligned with the standards of content and performance
37 established pursuant to NRS 389.520, as applicable for the grade
38 level taught by the teacher;

39 (d) An evaluation of whether the teacher is appropriately
40 addressing the needs of the pupils in the classroom, including,
41 without limitation, special educational needs, cultural and ethnic
42 diversity, the needs of pupils enrolled in advanced courses of study
43 and the needs of pupils who are limited English proficient;



(e) *An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;*

(f) If necessary, recommendations for improvements in the performance of the teacher;

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

~~(g)(h)~~ (h) 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. 9. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. *The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.* The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from



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1 the superintendent. The board shall hear the matter within 10 days
2 after the president receives the request, and shall render its decision
3 within 5 days after the hearing. The decision of the board is final.

4 **Sec. 9.5.** NRS 391.3127 is hereby amended to read as follows:

5 391.3127 1. Each board, following consultation with and
6 involvement of elected representatives of administrative personnel
7 or their designated representatives, shall develop an objective policy
8 for the objective evaluation of administrators in narrative form. The
9 policy must ~~set forth a means according to which an administrator's~~
10 ~~overall performance may be determined to be satisfactory or~~
11 ~~unsatisfactory. The policy must require that the information~~
12 ~~maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of~~
13 ~~NRS 386.650 account for a significant portion of the evaluation, as~~
14 ~~determined by the board.]~~ *comply with the statewide performance*
15 *evaluation system established by the State Board pursuant to*
16 *section 7 of this act.* The policy may include an evaluation by the
17 administrator, superintendent, pupils or other administrators or any
18 combination thereof. A copy of the policy adopted by the board
19 must be filed with the Department and made available to the
20 Commission.

21 2. Each administrator must be evaluated in writing at least once
22 a year.

23 3. Before a superintendent transfers or assigns an administrator
24 to another administrative position as part of an administrative
25 reorganization, if the transfer or reassignment is to a position of
26 lower rank, responsibility or pay, the superintendent shall give
27 written notice of the proposed transfer or assignment to the
28 administrator at least 30 days before the date on which it is to be
29 effective. The administrator may appeal the decision of the
30 superintendent to the board by requesting a hearing in writing to the
31 president of the board within 5 days after receiving the notice from
32 the superintendent. The board shall hear the matter within 10 days
33 after the president receives the request, and shall render its decision
34 within 5 days after the hearing. The decision of the board is final.

35 **Sec. 10.** NRS 391.3197 is hereby amended to read as follows:

36 391.3197 1. A probationary employee is employed on a
37 contract basis for two 1-year periods and has no right to
38 employment after either of the two probationary contract years.

39 2. The board shall notify each probationary employee in
40 writing on or before May 1 of the first and second school years of
41 the employee's probationary period, as appropriate, whether the
42 employee is to be reemployed for the second year of the
43 probationary period or for the next school year as a postprobationary
44 employee. The employee must advise the board in writing on or
45 before May 10 of the first or second year of the employee's



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1 probationary period, as appropriate, of the employee's acceptance of
2 reemployment. If a probationary employee is assigned to a school
3 that operates all year, the board shall notify the employee in writing,
4 in both the first and second years of the employee's probationary
5 period, no later than 45 days before his or her last day of work for
6 the year under his or her contract whether the employee is to be
7 reemployed for the second year of the probationary period or for the
8 next school year as a postprobationary employee. The employee
9 must advise the board in writing within 10 days after the date of
10 notification of his or her acceptance or rejection of reemployment
11 for another year. Failure to advise the board of the employee's
12 acceptance of reemployment constitutes rejection of the contract.

13 3. A probationary employee who completes a 2-year
14 probationary period and receives a notice of reemployment from the
15 school district in the second year of the employee's probationary
16 period is entitled to be a postprobationary employee in the ensuing
17 year of employment.

18 4. If a probationary employee receives notice pursuant to
19 subsection 4 of NRS 391.3125 not later than March 1 of a potential
20 decision not to reemploy him or her, the employee may request a
21 supplemental evaluation by another administrator in the school
22 district selected by the employee and the superintendent. If a school
23 district has five or fewer administrators, the supplemental evaluator
24 may be an administrator from another school district in this State. If
25 a probationary employee has received during the first school year of
26 the employee's probationary period three evaluations which state
27 that the employee's overall performance has been ~~satisfactory,~~
28 *highly effective or effective*, the superintendent of schools of the
29 school district or the superintendent's designee shall waive the
30 second year of the employee's probationary period by expressly
31 providing in writing on the final evaluation of the employee for the
32 first probationary year that the second year of the employee's
33 probationary period is waived. Such an employee is entitled to be a
34 postprobationary employee in the ensuing year of employment.

35 5. If a probationary employee is notified that the employee will
36 not be reemployed for the second year of the employee's
37 probationary period or the ensuing school year, his or her
38 employment ends on the last day of the current school year. The
39 notice that the employee will not be reemployed must include a
40 statement of the reasons for that decision.

41 6. A new employee or a postprobationary teacher who is
42 employed as an administrator shall be deemed to be a probationary
43 employee for the purposes of this section and must serve a 2-year
44 probationary period as an administrator in accordance with the
45 provisions of this section. If the administrator does not receive an



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1 ~~unsatisfactory~~ evaluation *indicating that his or her performance*
2 *is minimally effective or ineffective* during the first year of
3 probation, the superintendent or the superintendent's designee shall
4 waive the second year of the administrator's probationary period.
5 Such an administrator is entitled to be a postprobationary employee
6 in the ensuing year of employment. If:

7 (a) A postprobationary teacher who is an administrator is not
8 reemployed as an administrator after either year of his or her
9 probationary period; and

10 (b) There is a position as a teacher available for the ensuing
11 school year in the school district in which the person is employed,
12 ➤ the board of trustees of the school district shall, on or before
13 May 1, offer the person a contract as a teacher for the ensuing
14 school year. The person may accept the contract in writing on or
15 before May 10. If the person fails to accept the contract as a teacher,
16 the person shall be deemed to have rejected the offer of a contract as
17 a teacher.

18 7. An administrator who has completed his or her probationary
19 period pursuant to subsection 6 and is thereafter promoted to the
20 position of principal must serve an additional probationary period of
21 1 year in the position of principal. If the administrator serving the
22 additional probationary period is not reemployed as a principal after
23 the expiration of the additional probationary period, the board of
24 trustees of the school district in which the person is employed shall,
25 on or before May 1, offer the person a contract for the ensuing
26 school year for the administrative position in which the person
27 attained postprobationary status. The person may accept the contract
28 in writing on or before May 10. If the person fails to accept such a
29 contract, the person shall be deemed to have rejected the offer of
30 employment.

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

34 **Sec. 10.3.** Section 9 of Assembly Bill No. 229 of this session
35 is hereby amended to read as follows:

36 Sec. 9. *1. If a written evaluation of a probationary*
37 *teacher or probationary administrator designates the overall*
38 *performance of the teacher or administrator as*
39 *"unsatisfactory":*

40 (a) *The written evaluation must include the following*
41 *statement: "Please be advised that, pursuant to Nevada law,*
42 *your contract may not be renewed for the next school year.*
43 *If you receive an 'unsatisfactory' evaluation on the first or*
44 *second evaluation, or both evaluations for this school year,*
45 *and if you have another evaluation remaining this school*



year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies.”

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 10.4. Section 20 of Assembly Bill No. 229 of this session is hereby amended to read as follows:

Sec. 20. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as ~~["unsatisfactory"]~~ **“minimally effective” or “ineffective”**:

(a) The written evaluation must include the following statement: “Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive ~~{an ‘unsatisfactory’}~~ **a ‘minimally effective’ or ‘ineffective’** evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the



1 administrator who conducted the evaluation, reasonable
2 assistance in correcting the deficiencies reported in the
3 evaluation for which you request assistance, and upon
4 such request, a reasonable effort will be made to assist you
5 in correcting those deficiencies.”

6 (b) The probationary teacher or probationary
7 administrator, as applicable, must acknowledge in writing
8 that he or she has received and understands the statement
9 described in paragraph (a).

10 2. If a probationary teacher or probationary
11 administrator requests that his or her next evaluation be
12 conducted by another administrator in accordance with the
13 notice required by subsection 1, the administrator
14 conducting the evaluation must be:

15 (a) Employed by the school district or, if the school
16 district has five or fewer administrators, employed by
17 another school district in this State; and

18 (b) Selected by the probationary teacher or
19 probationary administrator, as applicable, from a list of
20 three candidates submitted by the superintendent.

21 3. If a probationary teacher or probationary
22 administrator requests assistance in correcting deficiencies
23 reported in his or her evaluation, the administrator who
24 conducted the evaluation shall ensure that a reasonable
25 effort is made to assist the probationary teacher or
26 probationary administrator in correcting those
27 deficiencies.

28 **Sec. 10.5.** 1. There are hereby appropriated from the State
29 General Fund to the Department of Education the following sums
30 for the costs associated with the Teachers and Leaders Council of
31 Nevada created by section 5 of this act:

32 For the Fiscal Year 2011-2012.....\$24,000

33 For the Fiscal Year 2012-2013.....\$8,000

34 2. Any balance of the sums appropriated by subsection 1
35 remaining at the end of the respective fiscal years must not be
36 committed for expenditure after June 30 of the respective fiscal
37 years by the Department of Education or any entity to which money
38 from the appropriation is granted or otherwise transferred in any
39 manner, and any portion of the appropriated money remaining must
40 not be spent for any purpose after September 21, 2012, and
41 September 20, 2013, respectively, by either the Department of
42 Education or the entity to which the money from the appropriation
43 was subsequently granted or transferred, and must be reverted to the
44 State General Fund on or before September 21, 2012, and
45 September 20, 2013, respectively.



Sec. 11. The Teachers and Leaders Council of Nevada created by section 5 of this act shall, not later than June 1, 2012, submit to the State Board of Education the recommendations of the Council for the adoption of regulations establishing a statewide performance evaluation system for teachers and administrators pursuant to section 7 of this act.

Sec. 12. On or before June 1, 2013, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system for teachers and administrators that complies with section 7 of this act.

Sec. 13. Each school district in this State shall, not later than the 2013-2014 school year, implement a performance evaluation policy for teachers and administrators that complies with the statewide performance evaluation system established by the State Board of Education pursuant to section 7 of this act.

Sec. 14. The appointed members of the Teachers and Leaders Council of Nevada created by section 5 of this act must be appointed to initial terms as follows:

1. The Governor shall appoint to the Council the members described in:

(a) Paragraph (c) of subsection 1 of section 5 of this act to initial terms of 2 years.

(b) Paragraphs (d) and (e) of subsection 1 of section 5 of this act to initial terms of 3 years.

(c) Paragraphs (f) and (g) of subsection 1 of section 5 of this act to initial terms of 1 year.

2. The Superintendent of Public Instruction shall appoint to the Council the members described in paragraph (h) of subsection 1 of section 5 of this act to initial terms of 3 years.

Sec. 15. 1. This section and sections 3 to 8, inclusive, 9, 10.3, 10.5 and 11 to 14, inclusive, of this act become effective on July 1, 2011.

2. Sections 1, 2, 8.5, 9.5, 10 and 10.4 of this act become effective on July 1, 2013.

