

Amendment No. 827

Assembly Amendment to Assembly Bill No. 222 First Reprint (BDR 34-873)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in A.B. 222.

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 underlining* is newly added transitory language.

CLP/KCR



Date: 5/29/2011

A.B. No. 222—Creates the Teachers and Leaders Council of Nevada.
(BDR 34-873)



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:

Sections 4-6 of this bill create the Teachers and Leaders Council of Nevada and prescribe the membership and duties of the Council. **Section 6** requires the Council to make recommendations to the State Board of Education for the establishment of a statewide performance evaluation system for teachers and administrators employed by school districts.

Existing law requires the automated system of accountability information for Nevada to track the achievement of pupils over time and to identify which teachers and paraprofessionals are assigned to individual pupils. The information is required to be considered, but must not be the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional 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.” Also effective July 1, 2013, **section 2** of this bill requires that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for 50 percent of the evaluations of teachers and administrators. **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.

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.

☛ 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. The information must ~~be considered~~ *account for 50 percent*, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee.

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

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

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

3. The Superintendent of Public Instruction shall:

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

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

(c) Prescribe the format for the data;

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

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

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

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

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

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

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers

1 and other educational personnel, and parents and guardians, will have different
2 types of access to the accountability information contained within the automated
3 system to the extent that such information is necessary for the performance of a
4 duty or to the extent that such information may be made available to the general
5 public without posing a threat to the confidentiality of an individual pupil.

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

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

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

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

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

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

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

25 (d) *Two administrators in public schools ~~and one superintendent of schools~~*
26 *~~of a school district~~ appointed by the Governor from a list of nominees submitted*
27 *by the Nevada Association of School Administrators ~~and one superintendent of~~*
28 *schools of a school district appointed by the Governor from a list of nominees*
29 *submitted by the Nevada Association of School Superintendents. The members*
30 *appointed pursuant to this paragraph must represent the geographical diversity of*
31 *the school districts in this State.*

32 (e) *Two persons who are members of boards of trustees of school districts*
33 *and who are appointed by the Governor from a list of nominees submitted by the*
34 *Nevada Association of School Boards.*

35 (f) *One representative of the regional training programs for the professional*
36 *development of teachers and administrators created by NRS 391.512 appointed by*
37 *the Governor from a list of nominees submitted by the Nevada Association of*
38 *School Superintendents.*

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

42 (h) *Two persons with expertise in the development of public policy relating to*
43 *education appointed by the Superintendent of Public Instruction. The members*
44 *appointed pursuant to this paragraph must not otherwise be eligible for*
45 *appointment pursuant to paragraphs (a) to (g), inclusive.*

46 2. *After the initial terms, each appointed member of the Council serves a*
47 *term of 3 years commencing on July 1 and may be reappointed to one additional*
48 *3-year term following his or her initial term. If any appointed member of the*
49 *Council ceases to be qualified for the position to which he or she was appointed,*
50 *the position shall be deemed vacant and the appointing authority shall appoint a*
51 *replacement for the remainder of the unexpired term. A vacancy must be filled in*
52 *the same manner as the original appointment.*

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

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

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

6. *A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.*

7. *The Department shall provide administrative support to the Council.*

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

Sec. 6. 1. The Council shall:

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

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

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

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

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

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

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

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

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

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

4. *The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by section 7 of this act.*

Sec. 7. 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this

1 *act, adopt regulations establishing a statewide performance evaluation system*
2 *which incorporates multiple measures of an employee's performance.*

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

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

5 (1) *Highly effective;*

6 (2) *Effective;*

7 (3) *Minimally effective; or*

8 (4) *Ineffective.*

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

11 (c) *Require that the information maintained pursuant to paragraphs (c), (d)*
12 *and (e) of subsection 1 of NRS 386.650 account for 50 percent of the evaluation.*

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

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

16 391.3125 1. It is the intent of the Legislature that a uniform system be
17 developed for objective evaluation of teachers and other licensed personnel in each
18 school district.

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

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

35 (a) December 1;

36 (b) February 1; and

37 (c) April 1,

38 ↪ of each school year of the probationary period, except that a probationary
39 employee assigned to a school that operates all year must be evaluated at least three
40 times during each 12 months of employment on a schedule determined by the
41 board. An administrator charged with the evaluation of a probationary teacher shall
42 personally observe the performance of the teacher in the classroom for not less than
43 a cumulative total of 60 minutes during each evaluation period, with at least one
44 observation during that 60-minute evaluation period consisting of at least 45
45 consecutive minutes.

46 4. Whenever an administrator charged with the evaluation of a probationary
47 employee believes the employee will not be reemployed for the second year of the
48 probationary period or the school year following the probationary period, the
49 administrator shall bring the matter to the employee's attention in a written
50 document which is separate from the evaluation not later than March 1 of the
51 current school year. The notice must include the reasons for the potential decision
52 not to reemploy or refer to the evaluation in which the reasons are stated. Such a

notice is not required if the probationary employee has received a letter of admonition during the current school year.

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

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

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

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

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

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

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

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

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

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

Sec. 8.5. 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 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.] comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.~~ 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 not later than:

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

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

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

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

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

- (a) An evaluation of the classroom management skills of the teacher;
- (b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;
- (c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;
- (d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study 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) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

~~(g)~~ (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.

1 **Sec. 9.** NRS 391.3127 is hereby amended to read as follows:

2 391.3127 1. Each board, following consultation with and involvement of
3 elected representatives of administrative personnel or their designated
4 representatives, shall develop an objective policy for the objective evaluation of
5 administrators in narrative form. The policy must set forth a means according to
6 which an administrator's overall performance may be determined to be satisfactory
7 or unsatisfactory. *The policy must require that the information maintained*
8 *pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account*
9 *for a significant portion of the evaluation, as determined by the board.* The policy
10 may include an evaluation by the administrator, superintendent, pupils or other
11 administrators or any combination thereof. A copy of the policy adopted by the
12 board must be filed with the Department and made available to the Commission.

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

14 3. Before a superintendent transfers or assigns an administrator to another
15 administrative position as part of an administrative reorganization, if the transfer or
16 reassignment is to a position of lower rank, responsibility or pay, the superintendent
17 shall give written notice of the proposed transfer or assignment to the administrator
18 at least 30 days before the date on which it is to be effective. The administrator may
19 appeal the decision of the superintendent to the board by requesting a hearing in
20 writing to the president of the board within 5 days after receiving the notice from
21 the superintendent. The board shall hear the matter within 10 days after the
22 president receives the request, and shall render its decision within 5 days after the
23 hearing. The decision of the board is final.

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

25 391.3127 1. Each board, following consultation with and involvement of
26 elected representatives of administrative personnel or their designated
27 representatives, shall develop an objective policy for the objective evaluation of
28 administrators in narrative form. The policy must ~~set forth a means according to~~
29 ~~which an administrator's overall performance may be determined to be satisfactory~~
30 ~~or unsatisfactory. The policy must require that the information maintained pursuant~~
31 ~~to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a~~
32 ~~significant portion of the evaluation, as determined by the board.]~~ *comply with the*
33 *statewide performance evaluation system established by the State Board pursuant*
34 *to section 7 of this act.* The policy may include an evaluation by the administrator,
35 superintendent, pupils or other administrators or any combination thereof. A copy
36 of the policy adopted by the board must be filed with the Department and made
37 available to the Commission.

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

39 3. Before a superintendent transfers or assigns an administrator to another
40 administrative position as part of an administrative reorganization, if the transfer or
41 reassignment is to a position of lower rank, responsibility or pay, the superintendent
42 shall give written notice of the proposed transfer or assignment to the administrator
43 at least 30 days before the date on which it is to be effective. The administrator may
44 appeal the decision of the superintendent to the board by requesting a hearing in
45 writing to the president of the board within 5 days after receiving the notice from
46 the superintendent. The board shall hear the matter within 10 days after the
47 president receives the request, and shall render its decision within 5 days after the
48 hearing. The decision of the board is final.

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

50 391.3197 1. A probationary employee is employed on a contract basis for
51 two 1-year periods and has no right to employment after either of the two
52 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 the employee's probationary period, as appropriate, whether the employee 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 the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in both the first and second years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee 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 within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment constitutes rejection of the contract.

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

4. If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been ~~satisfactory,~~ *highly effective or effective*, the superintendent of schools of the school district or the superintendent's 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 the employee's 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 the employee will not be reemployed for the second year of the employee's probationary period or the ensuing school year, his or her employment ends on the last day of the current school year. The notice that the employee 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 *indicating that his or her performance is minimally effective or ineffective* during the first year of probation, the superintendent or the superintendent's 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 or her 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 or her 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 accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

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

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

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

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

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

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

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

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

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

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

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