

Amendment No. 850

Senate Amendment to Senate Bill No. 407 First Reprint (BDR 34-143)

Proposed by: Senate Committee on Finance

Amends: 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 underlining* is newly added transitory language.

KCR



Date: 5/27/2013

S.B. No. 407—Revises provisions governing the statewide performance evaluation system for teachers and administrators. (BDR 34-143)



SENATE BILL NO. 407—SENATORS SMITH AND WOODHOUSE

MARCH 18, 2013

JOINT SPONSOR: ASSEMBLYWOMAN DONDERO LOOP

Referred to Committee on Education

SUMMARY—Revises provisions governing the statewide performance evaluation system for teachers and administrators. (BDR 34-143)

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; revising provisions governing the policies for the evaluation of teachers and school-based administrators; requiring the State Board of Education to prescribe the pupil achievement data to be used in the evaluation of teachers and school-based administrators; requiring the Teachers and Leaders Council of Nevada to make recommendations to the State Board concerning the evaluation of counselors, librarians and other licensed educational personnel; temporarily delaying the implementation of a program of performance pay and enhanced compensation for teachers and administrators by school districts; temporarily delaying the implementation of the statewide performance evaluation system and providing for a validation study of the system for teachers and school-based administrators and a validation study for counselors, librarians and other licensed educational personnel; authorizing a school district to submit an application to the Department of Education to opt out of the delay of the implementation of the statewide performance evaluation system for its teachers and school-based administrators; making ~~appropriations;~~ **an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a program of performance pay and enhanced compensation for licensed teachers and administrators and requires each board to implement the program commencing with the 2014-2015 school year. (NRS 391.168) **Section 2** of this bill delays the implementation of the program to the 2015-2016 school year.

Existing law requires that, effective July 1, 2013, the policies for the evaluation of teachers and administrators must: (1) designate an employee's overall performance as "highly effective," "effective," "minimally effective" or "ineffective"; and (2) provide that certain information on pupil achievement data maintained by the automated system of accountability

information for Nevada must account for at least 50 percent of the evaluation. (NRS 391.3125, 391.3127) **Sections 4, 5 and 10** of this bill change the source of the pupil achievement data, upon which 50 percent of the evaluation is based, to data prescribed by the State Board of Education. **Sections 4 and 5** also set forth an observation schedule for the evaluation of teachers and administrators based upon the evaluation designation of the employee in the immediately preceding school year. In addition, **sections 4 and 5** provide that pupil achievement data must not be used in the evaluation of a probationary teacher or probationary administrator in his or her initial year of employment, with the exception of a postprobationary teacher or administrator who is deemed to be a probationary employee. **Section 5** further provides that the policy for the evaluation of administrators applies only to those administrators who primarily provide administrative services at the school level and who do not primarily provide direct instructional services to pupils.

Under existing law, the Teachers and Leaders Council of Nevada is required to make recommendations to the State Board for the establishment of the statewide performance evaluation system for teachers and administrators. (NRS 391.450-391.465) **Section 9** of this bill requires the Council to also: (1) make recommendations to the State Board for the evaluation of school counselors, librarians and other licensed educational personnel; and (2) develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel. **Section 16** of this bill makes an appropriation to the Teachers and Leaders Council of Nevada for costs associated with the work of the Council.

Sections 16.3-22 of this bill address the period during which the new statewide performance evaluation system will be implemented. **Section 19** provides for a validation study of the statewide performance evaluation system for the 2013-2014 school year, with a representative sample of teachers and school-based administrators selected by the Department of Education in consultation with the participating school districts. **Sections 17-18.7** provide that for the 2013-2014 school year, all teachers and administrators who are employed by school districts that participate in the validation study and all counselors, librarians and other licensed educational personnel employed by each school district will be evaluated in accordance with the system for evaluations pursuant to which employees are designated as "satisfactory" or "unsatisfactory." **Section 16.5** authorizes a school district to submit an application to the Department of Education to opt out of the delay of the statewide performance evaluation system and implement the system for its teachers and administrators commencing with the 2013-2014 school year. **Section 16.5** further provides that if such an application is approved by the Department, the school district must not participate in the validation study for its teachers and school-based administrators. **Section 16.3** ~~makes an appropriation to the Interim Finance Committee for distribution~~ authorizes the Department of Education to request a work program revision to transfer, in the second year of the biennium, money that is in the Reserve Category to the Regional Professional Development Category for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system. **Section 16.3** also requires the Department of Education, on or before August 1, 2014, to submit a report of the results of the validation study and the Department's determination of whether all school districts are prepared to implement the statewide performance evaluation system for the 2014-2015 school year. **Section 16.3** further requires the Interim Finance Committee to make a determination whether all school districts are prepared to implement the statewide performance evaluation system for the 2014-2015 school year. If the Interim Finance Committee determines that all school districts are prepared: (1) all school districts that participated in the validation study shall implement the statewide performance evaluation system for its teachers and school-based administrators commencing with the 2014-2015 school year; and (2) the ~~Interim Finance Committee shall distribute up to the full amount of the appropriation~~ Department of Education may request a work program revision to transfer not more than \$1,315,000 for use by the regional training programs. If the Interim Finance Committee determines that all school districts are not prepared: (1) a second validation study of the statewide performance evaluation system for teachers and school-based administrators must be conducted for the 2014-2015 school year; and (2) the ~~Interim Finance Committee shall distribute up to 75 percent of the appropriation~~ Department of Education may request a work program revision to transfer not more than \$986,250 for use by the regional training programs. **Section 16.7** authorizes a school district that participated in the validation study for the 2013-2014 school year to submit an

69 application to the Department of Education to opt out of the delay of the statewide
70 performance evaluation system and implement the system for its teachers and school-based
71 administrators commencing with the 2014-2015 school year. For the 2014-2015 school year,
72 the Department of Education, in consultation with the 17 school districts, is required to select
73 a representative sample of counselors, librarians and other licensed educational personnel,
74 except for teachers and administrators, to undergo evaluations under the new statewide
75 performance evaluation system in addition to being evaluated under the "satisfactory" or
76 "unsatisfactory" system. Commencing with the 2015-2016 school year, all counselors,
77 librarians and other licensed educational personnel are required to be evaluated pursuant to the
78 new statewide performance evaluation system. **Sections 19 and 21** prohibit the basing of any
79 decisions regarding an employee's suspension, demotion, dismissal or refusal to reemploy
80 upon the evaluations conducted as part of either validation study.

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

1 **Section 1.** NRS 386.650 is hereby amended to read as follows:

2 386.650 1. The Department shall establish and maintain an automated
3 system of accountability information for Nevada. The system must:

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

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

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

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

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

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

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

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

22 (e) Have the capacity to identify which teachers are assigned to individual
23 pupils;

24 (f) Have the capacity to provide other information concerning schools and
25 school districts that is not linked to individual pupils, including, without limitation,
26 the designation of schools and school districts pursuant to NRS 385.3623 and
27 385.377, respectively, and an identification of which schools, if any, are
28 persistently dangerous;

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

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

1 ↵ The information maintained pursuant to paragraphs (c), (d) and (e) must be used
2 for the purpose of improving the achievement of pupils and improving classroom
3 instruction. ~~The information~~ *Except as otherwise provided in subsection 9 of*
4 *NRS 391.3125 and subsection 8 of NRS 391.3127, information on pupil*
5 *achievement data, as prescribed by the State Board pursuant to NRS 391.465,*
6 must account for at least 50 percent, but must not be used as the sole criterion, in
7 evaluating the performance of or taking disciplinary action against an individual
8 teacher or other employee.

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

10 (a) Adopt and maintain the program prescribed by the Superintendent of Public
11 Instruction pursuant to subsection 3 for the collection, maintenance and transfer of
12 data from the records of individual pupils to the automated system of information,
13 including, 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 as required by
16 the Superintendent of Public Instruction pursuant to subsection 3; and

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

19 3. The Superintendent of Public Instruction shall:

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

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

26 (c) Prescribe the format for the data;

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

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

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

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

36 (1) Individual pupils;

37 (2) Individual teachers;

38 (3) Individual schools and school districts; and

39 (4) Programs and financial information;

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

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

47 4. The Department shall establish, to the extent authorized by the Family
48 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any
49 regulations adopted pursuant thereto, a mechanism by which persons or entities,
50 including, without limitation, state officers who are members of the Executive or
51 Legislative Branch, administrators of public schools and school districts, teachers
52 and other educational personnel, and parents and guardians, will have different
53 types of access to the accountability information contained within the automated

1 system to the extent that such information is necessary for the performance of a
2 duty or to the extent that such information may be made available to the general
3 public without posing a threat to the confidentiality of an individual pupil.

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

9 **Sec. 1.5.** Chapter 391 of NRS is hereby amended by adding thereto a new
10 section to read as follows:

11 *On or before August 1 of each year, the board of trustees of each school*
12 *district shall submit a report to the State Board and the Teachers and Leaders*
13 *Council of Nevada created by NRS 391.455 concerning the implementation and*
14 *effectiveness of the process for peer evaluations of teachers set forth in the*
15 *regulations adopted by the State Board pursuant to paragraph (f) of subsection 2*
16 *of NRS 391.465, including, without limitation, any recommendations for*
17 *revisions to the process of peer evaluations.*

18 **Sec. 2.** NRS 391.168 is hereby amended to read as follows:

19 391.168 1. The board of trustees of each school district shall:

20 (a) Establish a program of performance pay and enhanced compensation for
21 the recruitment and retention of licensed teachers and administrators which must be
22 negotiated pursuant to chapter 288 of NRS; and

23 (b) Commencing with the ~~2014-2015~~ **2015-2016** school year, implement the
24 program established pursuant to paragraph (a).

25 2. The program of performance pay and enhanced compensation established
26 by a school district pursuant to subsection 1 must have as its primary focus the
27 improvement in the academic achievement of pupils and must give appropriate
28 consideration to implementation in at-risk schools. In addition, the program may
29 include, without limitation, the following components:

30 (a) Career leadership advancement options to maximize the retention of
31 teachers in the classroom and the retention of administrators;

32 (b) Professional development;

33 (c) Group incentives; and

34 (d) Multiple assessments of individual teachers and administrators, with
35 primary emphasis on individual pupil improvement and growth in academic
36 achievement, including, without limitation, portfolios of instruction, leadership and
37 professional growth, and other appropriate measures of teacher and administrator
38 performance which must be considered.

39 **Sec. 3.** NRS 391.3115 is hereby amended to read as follows:

40 391.3115 1. The demotion, suspension, dismissal and nonreemployment
41 provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:

42 (a) Substitute teachers; or

43 (b) Adult education teachers.

44 2. The admonition, demotion, suspension, dismissal and nonreemployment
45 provisions of NRS 391.311 to 391.3194, inclusive, do not apply to:

46 (a) A probationary teacher. The policy for evaluations prescribed in NRS
47 391.3125 and 391.3128 applies to a probationary teacher.

48 (b) A new employee who is employed as a probationary administrator **+**
49 *primarily to provide administrative services at the school level and not primarily*
50 *to provide direct instructional services to pupils, regardless of whether licensed as*
51 *teacher or administrator, including, without limitation, a principal and vice*
52 *principal. The policy for evaluations prescribed in NRS 391.3127 and 391.3128*
53 *applies to such a probationary administrator.*

3. The admonition, demotion and suspension provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator *primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal*, with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to *such* a probationary administrator.

4. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, for demotion, suspension or dismissal apply to them.

Sec. 4. 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 comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy must set forth a means according to which an employee's overall performance is determined to be highly effective, effective, minimally effective or ineffective. ~~[[The]~~ *Except as otherwise provided in subsection 9, the policy must require that [the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650] pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465,* account for at least 50 percent of the evaluation. 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. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year.† The person charged with the evaluation of a teacher pursuant to this section shall hold a conference with the teacher before and after each scheduled observation of the teacher during the school year.~~

4. A probationary teacher must be evaluated three times during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the teacher during the school year as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

5. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must be evaluated three times in the immediately succeeding school 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.† in accordance with the observation schedule set forth in subsection 4. If a postprobationary teacher is evaluated three times in a school year and he or she receives an evaluation designating his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator 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 postprobationary teacher from a list of three candidates submitted by the superintendent.

~~†5.†~~ *6. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:*

(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

7. If a postprobationary teacher receives an evaluation designating his or her overall performance as highly effective, the postprobationary teacher must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

8. The evaluation of a probationary teacher or a postprobationary teacher pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which 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) instructional practice of the teacher in the classroom;~~

(b) An evaluation of the professional responsibilities of the teacher to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection 9, an evaluation of the performance of pupils enrolled in the school;

(d) 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]~~

(e) Recommendations for improvements in the performance of the teacher;

~~[(g)] (f) A description of the action that will be taken to assist the teacher in~~
~~*{correcting any deficiencies reported in the evaluation;} the areas of instructional*~~
~~*practice, professional responsibilities and the performance of pupils;*~~ and

~~[(h)] (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.~~

~~[(6)] 9. The evaluation of a probationary teacher in his or her initial year of employment as a probationary teacher must not include e an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.~~

10. 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}~~
improve his or her performance based upon the recommendations reported in the evaluation of the teacher. ~~{for which the teacher requests assistance.}~~

Sec. 5. 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 provide for the evaluation of those administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal.* The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy must set forth a means according to which an administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective. ~~[(The)]~~ *Except as otherwise provided in subsection 8, the policy must require that* ~~[(the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650)]~~
pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, account for at least 50 percent of the evaluation. 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. The person charged with the evaluation of an administrator pursuant to this section shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.~~

3. A probationary administrator must be evaluated three times during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the probationary administrator during the school year as follows:

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;

(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and

(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

4. If a postprobationary administrator receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary administrator must be evaluated three times in the immediately succeeding school year in accordance with the observation schedule set forth in subsection 3. If a postprobationary administrator is evaluated three times in a school year and he or she receives an evaluation designating his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary administrator may request that the third evaluation be conducted by another administrator. If a postprobationary administrator requests that his or her third evaluation be conducted by another administrator, that administrator 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 postprobationary administrator from a list of three candidates submitted by the superintendent.

5. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include at least two scheduled observations as follows:

(a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and

(b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

6. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

7. The evaluation of an administrator pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

(a) An evaluation of the instructional leadership practices of the administrator at the school;

(b) An evaluation of the professional responsibilities of the administrator to support learning and promote the effectiveness of the school community;

(c) Except as otherwise provided in subsection 8, an evaluation of the performance of pupils enrolled in the school;

(d) An evaluation of whether the administrator employs practices and strategies to involve and engage the parents and families of pupils enrolled in the school;

(e) Recommendations for improvements in the performance of the administrator; and

(f) A description of the action that will be taken to assist the administrator in the areas of instructional leadership practice, professional responsibilities and the performance of pupils.

8. The evaluation of a probationary administrator in his or her initial year of probationary employment must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

9. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

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

Sec. 6. NRS 391.3128 is hereby amended to read as follows:

391.3128 1. If a written evaluation of a probationary teacher, or a probationary administrator *who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal,* designates the overall performance of the teacher or administrator as “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 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,~~ *third* you may request that the *third* evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in ~~correcting the deficiencies~~ *improving your performance based upon the recommendations* 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.~~ *improving your performance.”*

(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 *to which subsection 1 applies* 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 *to which subsection 1 applies* 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. 7. (Deleted by amendment.)

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

391.3197 1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third 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 the first, second and third 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 or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. 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 pursuant to this subsection constitutes rejection of the contract.

3. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third 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 is notified that the employee will not be reemployed for the school year following the 3-year probationary period, 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.

5. A new employee who is employed as an administrator *to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal*, or a postprobationary teacher who is employed as an administrator *to provide those administrative services* shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year

1 probationary period as an administrator in accordance with the provisions of this
2 section. If:

3 (a) A postprobationary teacher who is an administrator is not reemployed as an
4 administrator after any year of his or her probationary period; and

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

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

12 6. An administrator who has completed his or her probationary period
13 pursuant to subsection 5 and is thereafter promoted to the position of principal must
14 serve an additional probationary period of 1 year in the position of principal. If an
15 administrator is promoted to the position of principal before completion of his or
16 her probationary period pursuant to subsection 5, the administrator must serve the
17 remainder of his or her probationary period pursuant to subsection 5 or an
18 additional probationary period of 1 year in the position of principal, whichever is
19 longer. If the administrator serving the additional probationary period is not
20 reemployed as a principal after the expiration of the probationary period or
21 additional probationary period, as applicable, the board of trustees of the school
22 district in which the person is employed shall, on or before May 1, offer the person
23 a contract for the ensuing school year for the administrative position in which the
24 person attained postprobationary status. The person may accept the contract in
25 writing on or before May 10. If the person fails to accept such a contract, the person
26 shall be deemed to have rejected the offer of employment.

27 7. If a probationary employee receives notice that he or she will be dismissed
28 before the completion of the current school year, the probationary employee may
29 request an expedited hearing pursuant to the Expedited Labor Arbitration
30 Procedures established by the American Arbitration Association or its successor
31 organization.

32 **Sec. 8.5.** NRS 391.450 is hereby amended to read as follows:

33 391.450 As used in NRS 391.450 to 391.465, inclusive, *and section 1.5 of*
34 *this act*, "Council" means the Teachers and Leaders Council of Nevada created by
35 NRS 391.455.

36 **Sec. 9.** NRS 391.460 is hereby amended to read as follows:

37 391.460 1. The Council shall:

38 (a) Make recommendations to the State Board concerning the adoption of
39 regulations for establishing a statewide performance evaluation system to ensure
40 that teachers, ~~and~~ administrators *who provide primarily administrative services*
41 *at the school level and who do not provide primarily direct instructional services*
42 *to pupils, regardless of whether licensed as a teacher or administrator, including,*
43 *without limitation, a principal and vice principal, counselors, librarians and*
44 *other licensed educational personnel* employed by school districts are:

45 (1) Evaluated using multiple, fair, timely, rigorous and valid methods,
46 which includes evaluations based upon pupil achievement data as required by NRS
47 ~~386.650 and~~ 391.465;

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

50 (3) Provided with the means to share effective educational methods with
51 other teachers, ~~and~~ administrators, *counselors, librarians and other licensed*
52 *educational personnel* 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 *to which paragraph (a) applies, counselors, librarians and other licensed educational personnel* and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

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 ~~+~~, *counselors, librarians and other licensed educational personnel*; 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 NRS 391.465.

Sec. 10. NRS 391.465 is hereby amended to read as follows:

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.

2. The statewide performance evaluation system must:

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

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

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

(c) ~~Require~~ *Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, require* that ~~the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650~~ *pupil achievement data* account for at least 50 percent of the evaluation.

(d) *Prescribe the pupil achievement data that must be used as part of the evaluation system pursuant to paragraph (c).*

(e) Include an evaluation of whether the teacher, or administrator *who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal*, employs practices and strategies to involve and engage the parents and families of pupils.

(f) *Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in*

1 *meeting the standards of effective teaching, and includes, without limitation,*
2 *conducting observations, participating in conferences before and after*
3 *observations of the teacher and providing information and resources to the*
4 *teacher about strategies for effective teaching. The regulations must include the*
5 *criteria for school districts to determine which educational personnel are*
6 *qualified to conduct peer reviews pursuant to the process.*

7 **Sec. 11.** Section 22 of chapter 379, Statutes of Nevada 2011, at page 2298, is
8 hereby amended to read as follows:

9 Sec. 22. The board of trustees of each school district shall:

10 1. Commencing with the ~~{2013-2104}~~ **2013-2014** school year,
11 implement and carry out the policies for evaluations of teachers and
12 administrators required by NRS 391.3125, as amended by section 14 of this
13 act, NRS 391.3127, as amended by section 16 of this act, NRS 391.3197, as
14 amended by section 19.5 of this act, and section 20 of this act.

15 2. Commencing with the 2013-2014 school year, implement and carry
16 out section 20.5 of this act . ~~{if, and only if, Assembly Bill No. 225 of this~~
17 ~~session is enacted by the Legislature and becomes effective.}~~

18 3. Commencing with the ~~{2014-2015}~~ **2015-2016** school year,
19 implement and carry out the program of performance pay and enhanced
20 compensation established by the board of trustees pursuant to section 8 of
21 this act.

22 **Sec. 12.** Section 23 of chapter 379, Statutes of Nevada 2011, at page 2298, is
23 hereby amended to read as follows:

24 Sec. 23. 1. This section and sections 1 to 7, inclusive, 9 to 13,
25 inclusive, 15, 17, 18, 19, 19.6, 19.7, 19.8, 21 and 22 of this act become
26 effective on July 1, 2011.

27 2. Sections 8, 14, 16, 19.5 ~~and~~ , 20 **and 20.5** of this act become
28 effective on July 1, 2013.

29 ~~{3.—Section 20.5 of this act becomes effective on July 1, 2013, if, and~~
30 ~~only if, Assembly Bill No. 225 of this session is enacted by the Legislature~~
31 ~~and becomes effective.}~~

32 **Sec. 13.** Section 12 of chapter 487, Statutes of Nevada 2011, at page 3095, is
33 hereby amended to read as follows:

34 Sec. 12. On or before ~~{June 1,}~~ **August 15**, 2013, the State Board of
35 Education shall, based upon the recommendations of the Teachers and
36 Leaders Council of Nevada submitted pursuant to section 6 of this act,
37 adopt regulations establishing a statewide performance evaluation system
38 for teachers and administrators that complies with section 7 of this act.

39 **Sec. 14.** (Deleted by amendment.)

40 **Sec. 15.** Section 21 of chapter 379, Statutes of Nevada 2011, at page 2298, is
41 hereby repealed.

42 **Sec. 16.** 1. There is hereby appropriated from the **Educational Trust**
43 **Account in the** State General Fund **created by NRS 120A.610** to the Department
44 of Education for the costs associated with the work of the Teachers and Leaders
45 Council of Nevada created by NRS 391.455 required by the provisions of this act
46 the following sums:

47 For the Fiscal Year 2013-2014..... \$50,000
48 For the Fiscal Year 2014-2015..... \$50,000

49 2. The sums appropriated by subsection 1 are available for either fiscal year.
50 Any remaining balance of those sums must not be committed for expenditure after
51 June 30, 2015, by the Department of Education or any entity to which money from
52 the appropriation is granted or otherwise transferred in any manner, and any portion
53 of the appropriated money remaining must not be spent for any purpose after

September 18, 2015, by either the Department of Education or the entity to which the money was subsequently granted or transferred, and must be reverted to the Educational Trust Account in the State General Fund on or before September 18, 2015.

Sec. 16.3. 1. ~~{There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of \$1,315,000 for distribution in accordance with this section to the Clark County School District, the Elko County School District and the Washoe County School District, which serve as fiscal agents for the regional training programs for the professional development of teachers and administrators pursuant to NRS 391.512.~~

~~2.~~ 2. On or before August 1, 2014, the Department of Education shall submit a report to the Interim Finance Committee which includes, without limitation:

(a) An assessment of the results of the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act;

(b) The effectiveness of each school district that participated in the validation study in implementing the statewide performance evaluation system; and

(c) The determination of the Department whether all school districts that participated in the validation study are prepared, commencing with the 2014-2015 school year, to implement the statewide performance evaluation system for all of its teachers and administrators.

~~3.~~ 2. On or before August 15, 2014, the Interim Finance Committee shall review the report submitted by the Department of Education pursuant to subsection ~~1~~ 1 and make a determination whether all school districts that participated in the validation study are prepared to implement the statewide performance evaluation system for all of its teachers and administrators commencing with the 2014-2015 school year.

~~4.~~ 3. If the Interim Finance Committee determines that all school districts which participated in the validation study are prepared to implement, during the 2014-2015 school year, the statewide performance evaluation system:

(a) All school districts that participated in the validation study shall implement the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for its teachers and administrators commencing with the 2014-2015 school year and each school year thereafter.

(b) The ~~{Interim Finance Committee shall distribute}~~ Department of Education may request a work program revision pursuant to NRS 353.220 to transfer not more than \$1,315,000 from the ~~{appropriation made by subsection 1 to the Clark County School District, the Elko County School District and the Washoe County School District}~~ Reserve Category to the Regional Professional Development Category in the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system.

~~5.~~ 4. If the Interim Finance Committee determines that all school districts that participated in the validation study are not prepared to implement, during the 2014-2015 school year, the statewide performance evaluation system:

(a) Except as otherwise provided in section 16.7 of this act, all school districts that participated in the validation study shall comply with the policies for the evaluations of teachers and administrators prescribed by sections 17 and 18 of this act for the 2014-2015 school year and also participate in a second validation study of the statewide performance evaluation system for that school year pursuant to section 19 of this act.

(b) The ~~Interim Finance Committee shall distribute~~ Department of Education may request a work program revision pursuant to NRS 353.220 to transfer not more than \$986,250 from the ~~appropriation made by subsection 1 to the Clark County School District, the Elko County School District and the Washoe County School District~~ Reserve Category to the Regional Professional Development Category in the Account for Programs for Innovation and the Prevention of Remediation created by NRS 385.379 for use by the regional training programs for the professional development of teachers and administrators to implement the statewide performance evaluation system.

~~6.4~~ 5. On or before September 1, 2014, the Department of Education shall provide notice to the board of trustees of each school district concerning the determination made by the Interim Finance Committee pursuant to subsection ~~4.2~~.

~~7. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2015, by the entity to which the appropriation is made 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 18, 2015, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2015.~~

~~8.1~~ 2.

6. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 16.5. 1. The board of trustees of a school district that is prepared, commencing with the 2013-2014 school year, to implement the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for its teachers and administrators and does not want to delay the implementation of the evaluation system may submit an application on a form prescribed by the Department of Education which includes information demonstrating that the school district is prepared to implement the statewide performance evaluation system for all of its teachers and administrators and any other information requested by the Department.

2. Upon review of the application submitted pursuant to subsection 1, the Department of Education may approve the application if the Department determines that the school district is prepared to implement the statewide performance evaluation system commencing with the 2013-2014 school year and each school year thereafter.

3. A school district whose application is approved by the Department pursuant to subsection 2 must not participate in the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act during the 2013-2014 school year and, if applicable, the 2014-2015 school year.

4. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 16.7. 1. If the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study pursuant to section 19 of this act are not prepared to implement the statewide performance evaluation system adopted by the State Board of Education

pursuant to NRS 391.465, as amended by section 10 of this act, the board of trustees of a school district that participated in the validation study and that is prepared, commencing with the 2014-2015 school year, to implement the statewide performance evaluation system for its teachers and administrators and does not want to delay the implementation of the evaluation system may submit an application on a form prescribed by the Department of Education which includes information demonstrating that the school district is prepared to implement the evaluation system for all of its teachers and administrators and any other information requested by the Department.

2. Upon review of the application submitted pursuant to subsection 1, the Department of Education may approve the application if the Department determines that the school district is prepared to implement the statewide performance evaluation system commencing with the 2014-2015 school year.

3. A school district whose application is approved by the Department pursuant to subsection 2 must not participate in the validation study of the statewide performance evaluation system conducted pursuant to section 19 of this act for the 2014-2015 school year.

4. As used in this section, "administrator" means an administrator employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 17. 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. Except as otherwise provided in section 16.5 of this act, for the 2013-2014 school year, the board of trustees of each school district shall comply with the policy for the evaluation of teachers, counselors, librarians and other licensed educational personnel, except for administrators, as set forth in this section. For the 2014-2015 school year, the board of trustees of each school district shall comply with the policy for the evaluation of counselors, librarians and other licensed educational personnel, except for teachers and administrators, as set forth in this section.

2. Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study of the statewide performance evaluation system pursuant to section 19 of this act are not prepared to implement the evaluation system, the board of trustees of each school district shall, for the 2014-2015 school year, comply with the policy for the evaluation of teachers as set forth in this section.

3. Each board of trustees, 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 of trustees. 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 of trustees must be filed with the Department of Education. 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.

1 4. A conference and a written evaluation for a probationary employee must be
2 concluded not later than:

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

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

14 5. Except as otherwise provided in this subsection, each postprobationary
15 teacher must be evaluated at least once each year. If a postprobationary teacher
16 receives an unsatisfactory evaluation, the postprobationary teacher must be
17 evaluated three times in the immediately succeeding school year. An administrator
18 charged with the evaluation of a postprobationary teacher shall personally observe
19 the performance of the teacher in the classroom for not less than a cumulative total
20 of 60 minutes during each evaluation period, with at least one observation during
21 that 60-minute evaluation period consisting of at least 30 consecutive minutes. If a
22 postprobationary teacher is evaluated three times in a school year and he or she
23 receives an unsatisfactory evaluation on the first or second evaluation, or both
24 evaluations, the postprobationary teacher may request that the third evaluation be
25 conducted by another administrator. If a postprobationary teacher requests that his
26 or her third evaluation be conducted by another administrator, that administrator
27 must be:

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

30 (b) Selected by the postprobationary teacher from a list of three candidates
31 submitted by the superintendent.

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

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

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

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

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

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

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

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

51 7. The teacher must receive a copy of each evaluation not later than 15 days
52 after the evaluation. A copy of the evaluation and the teacher's response must be
53 permanently attached to the teacher's personnel file. Upon the request of a teacher,

1 a reasonable effort must be made to assist the teacher to correct those deficiencies
2 reported in the evaluation of the teacher for which the teacher requests assistance.

3 **Sec. 18.** 1. Except as otherwise provided in section 16.5 of this act, for the
4 2013-2014 school year, the board of trustees of each school district shall comply
5 with the policy for the evaluation of administrators as set forth in this section.
6 Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim
7 Finance Committee makes a determination pursuant to section 16.3 of this act that
8 all school districts which participated in the validation study of the statewide
9 performance evaluation system pursuant to section 19 of this act are not prepared to
10 implement the evaluation system, the board of trustees of each school district shall,
11 for the 2014-2015 school year, comply with the policy for the evaluation of
12 administrators as set forth in this section.

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

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

26 4. Each probationary administrator is subject to the provisions of NRS
27 391.3128 and 391.3197.

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

39 **Sec. 18.5.** 1. If a written evaluation of a probationary teacher or
40 probationary administrator who is employed by a school district that conducts
41 evaluations pursuant to sections 17 and 18 of this act for the 2013-2014 school year
42 or the 2014-2015 school year, or both, designates the overall performance of the
43 teacher or administrator as "unsatisfactory":

44 (a) The written evaluation must include the following statement: "Please be
45 advised that, pursuant to Nevada law, your contract may not be renewed for the
46 next school year. If you receive an 'unsatisfactory' evaluation on the first or second
47 evaluation, or both evaluations for this school year, and if you have another
48 evaluation remaining this school year, you may request that the evaluation be
49 conducted by another administrator. You may also request, to the administrator
50 who conducted the evaluation, reasonable assistance in correcting the deficiencies
51 reported in the evaluation for which you request assistance, and upon such request,
52 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. 18.7. 1. The provisions of this section apply to probationary employees who are employed by a school district that conducts evaluations pursuant to sections 17 and 18 of this act for the 2013-2014 school year or the 2014-2015 school year, or both, for each school year that the school district conducts evaluations pursuant to those sections.

2. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

3. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third 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 the first, second and third years of the employee's probationary period, not 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 or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. 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 pursuant to this subsection constitutes rejection of the contract.

4. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "satisfactory" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

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 school year following the 3-year probationary period, 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 who is employed as an administrator 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 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any 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 an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 6, the administrator must serve the remainder of his or her probationary period pursuant to subsection 6 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, 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. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

Sec. 19. 1. Except as otherwise provided by section 16.5 of this act, each school district shall participate in the validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, for the 2013-2014 school year. Except as otherwise provided in sections 16.5 and 16.7 of this act, if the Interim Finance Committee makes a determination pursuant to section 16.3 of this act that all school districts which participated in the validation study of the statewide performance evaluation system for the 2013-2014 school year are not prepared to implement the evaluation system, those school districts must participate in a second validation study of the evaluation system for the 2014-2015 school year.

2. On or before August 1, 2013, and, if applicable, on or before August 1, 2014, the Department of Education shall, in consultation with the boards of trustees of the school districts that do not have an application approved by the Department to opt out of the delay of the implementation of the statewide performance

1 evaluation system pursuant to section 16.5 or 16.7 of this act, as applicable, select a
2 representative sample of teachers and administrators for a validation study of the
3 statewide performance evaluation system adopted by the State Board of Education
4 pursuant to NRS 391.465, as amended by section 10 of this act. The administrators
5 selected for the validation study must provide primarily administrative services at
6 the school level and not provide primarily direct instructional services to pupils,
7 regardless of whether such an administrator is licensed as a teacher or
8 administrator, including, without limitation, a principal and vice principal. Each
9 school district shall participate in the validation study.

10 3. For the 2013-2014 school year and, if applicable, for the 2014-2015 school
11 year:

12 (a) Some evaluations of teachers and administrators pursuant to the statewide
13 performance evaluation system adopted by the State Board of Education pursuant
14 to NRS 391.465, as amended by section 10 of this act, will be conducted as set
15 forth in this section for purposes of a validation study concurrently with the
16 evaluations required by sections 17 and 18 of this act, as applicable.

17 (b) Decisions regarding the suspension, demotion, dismissal and refusal to
18 reemploy must not be based upon any results of the evaluations conducted pursuant
19 to this section for purposes of the validation study.

20 4. The teachers who are selected for the validation study must be evaluated in
21 accordance with section 17 of this act and in accordance with the policy for
22 evaluations set forth in NRS 391.3125, as amended by section 4 of this act.

23 5. The administrators who are selected for the validation study must be
24 evaluated in accordance with section 18 of this act and in accordance with the
25 policy for evaluations set forth in NRS 391.3127, as amended by section 5 of this
26 act.

27 **Sec. 20.** 1. If a validation study is not conducted pursuant to section 19 of
28 this act for the 2014-2015 school year, each postprobationary teacher and
29 administrator who is employed by a school district that participated in the
30 validation study during the 2013-2014 school year must be evaluated during the
31 2014-2015 school year pursuant to NRS 391.3125 or 391.3127, as amended by
32 sections 4 and 5 of this act, respectively, and must, as part of the evaluation, be
33 observed at least two times as follows:

34 (a) The first observation must occur within 80 days after the first day of
35 instruction of the school year; and

36 (b) The second observation must occur after 80 days but within 120 days after
37 the first day of instruction of the school year.

38 2. For the 2015-2016 school year and each school year thereafter, each
39 postprobationary teacher and administrator who is evaluated pursuant to NRS
40 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively,
41 must, as part of the evaluation, be observed in accordance with the observation
42 schedule set forth in NRS 391.3125 or 391.3127, as applicable, based upon the
43 designation of the overall performance of the employee for the 2014-2015 school
44 year.

45 **Sec. 20.5.** 1. If a validation study is conducted pursuant to section 19 of
46 this act for the 2014-2015 school year, each postprobationary teacher and
47 administrator who is employed by a school district that participated in the
48 validation study for that school year must be evaluated during the 2015-2016 school
49 year pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this
50 act, respectively, and must, as part of the evaluation, be observed at least two times
51 as follows:

52 (a) The first observation must occur within 80 days after the first day of
53 instruction of the school year; and

(b) The second observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

2. For the 2016-2017 school year and each school year thereafter, each postprobationary teacher and administrator who is evaluated pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, must, as part of the evaluation, be observed in accordance with the observation schedule set forth in NRS 391.3125 or 391.3127, as applicable, based upon the designation of the overall performance of the employee for the 2015-2016 school year.

Sec. 21. 1. On or before August 1, 2014, the Department of Education shall, in consultation with the boards of trustees of the 17 school districts, select a representative sample of counselors, librarians and other licensed educational personnel, except for teachers and administrators, for a validation study of the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act. Each school district shall participate in the validation study.

2. For the 2014-2015 school year:

(a) The evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by section 17 of this act.

(b) Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.

3. The counselors, librarians and other licensed educational personnel who are selected for the validation study must be evaluated in accordance with section 17 of this act and in accordance with the policy for evaluations set forth in NRS 391.3125, as amended by section 4 of this act.

Sec. 22. Commencing with the 2015-2016 school year, the board of trustees of each school district shall implement and carry out the policy for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, required by NRS 391.3125, as amended by section 4 of this act.

Sec. 23. 1. This section and section 16 of this act become effective upon passage and approval.

2. Sections 1 to 15, inclusive, and 16.3 to 22, inclusive, of this act become effective on July 1, 2013.

TEXT OF REPEALED SECTION

Section 21 of chapter 379, Statutes of Nevada 2011:

Sec. 21. The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act, apply to all:

1. Teachers who are initially employed by a school district on or after July 1, 2011.

2. A new employee who is hired by a school district as an administrator on or after July 1, 2011.

3. A postprobationary teacher who is employed as an administrator on or after July 1, 2011.