

SENATE BILL NO. 386—SENATORS ROBERSON,  
HARDY, BROWER AND HUTCHISON

MARCH 18, 2013

Referred to Committee on Education

SUMMARY—Revises provisions governing educational personnel.  
(BDR 34-865)

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; making various changes related to  
the employment and evaluation of educational personnel;  
and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Education to establish, based on recommendations of the Teachers and Leaders Council of Nevada, a statewide performance evaluation system for teachers and administrators. (NRS 391.465)

**Section 18** of this bill requires each board of trustees of a school district to establish a performance evaluation system for teachers, based on recommendations from the Council and a joint committee established by the board of trustees as required by **section 4** of this bill. **Section 19** of this bill requires the State Board to develop an evaluation system for administrators that measure the performance of an administrator based on: (1) pupil achievement; (2) leadership skills; (3) proficiency in completing teacher evaluations; and (4) any other factor that the State Board determines to be relevant to the evaluation of administrators.

**Section 14** of this bill requires the board of trustees of each school district and the recognized employee organization that represents licensed educational personnel within the school district to negotiate a compensation program for teachers that includes a schedule of salaries. **Section 14** also provides that a teacher's advancement on the schedule of salaries must be based on the teacher's evaluation.

**Section 8** of this bill requires that at least 15 percent of the compensation of an administrator be based on the administrator's evaluation.

Existing law sets forth grounds for the suspension and dismissal of a teacher or administrator, including suspension or dismissal for inadequate performance. (NRS 391.312) **Sections 9 and 17** of this bill authorize a board of trustees to dismiss a postprobationary teacher or administrator for unsatisfactory performance. **Section 9** also requires that before a postprobationary teacher or administrator may be dismissed for unsatisfactory performance, the board of trustees must admonish the



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teacher or administrator and develop and implement a plan of assistance for the teacher or administrator. **Section 15** of this bill defines "unsatisfactory performance."

**Section 5** of this bill requires each board of trustees to develop an annual program of orientation related to the system for teacher evaluations.

**Section 6** of this bill authorizes a teacher to submit a written appeal of his or her evaluation to the superintendent of the school district.

**Section 7** of this bill requires each board of trustees to develop a mentoring program for probationary teachers.

**Section 10** of this bill requires each board of trustees to submit a report to the Department of Education which summarizes the evaluations of teachers and administrators.

**Section 20** of this bill requires a probationary teacher or administrator who receives an evaluation designating his or her performance as "minimally effective" or "ineffective" to be: (1) informed of the areas in which he or she is deficient; (2) informed of the assistance that will be provided to improve his or her performance; and (3) provided recommendations for how he or she could improve his or her performance.

Existing law provides that a probationary employee is employed on a contract basis for three 1-year periods. (NRS 391.3197) **Section 24** of this bill authorizes a board of trustees to require certain probationary employees to complete two additional 1-year probationary periods.

Existing law sets forth factors that a board of trustees must consider in determining a reduction in the workforce of a school district. (NRS 288.151) **Section 28** of this bill provides that a board of trustees may determine a reduction in workforce is necessary due to: (1) a decline in the enrollment of pupils; (2) the discontinuance or reduction of a program or service provided by the school district; (3) a shortage in anticipated revenue after a school budget has been adopted; or (4) the consolidation of schools within the school district.

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

**Section 1.** NRS 386.365 is hereby amended to read as follows:

386.365 1. Except as provided in subsection 3, each board of trustees in any county having a population of 100,000 or more shall give 15 days' notice of its intention to adopt, repeal or amend a policy or regulation of the board concerning any of the subjects set forth in subsection 4. The notice must:

(a) Include a description of the subject or subjects involved and must state the time and place of the meeting at which the matter will be considered by the board; and

(b) Be mailed to the following persons from each of the schools affected:

(1) The principal;

(2) The president of the parent-teacher association or similar body; and

(3) The president of the classroom teachers' organization or other collective bargaining agent.



1    ➔ A copy of the notice and of the terms of each proposed policy or  
2 regulation, or change in a policy or regulation, must be made  
3 available for inspection by the public in the office of the  
4 superintendent of schools of the school district at least 15 days  
5 before its adoption.

6    2. All persons interested in a proposed policy or regulation or  
7 change in a policy or regulation must be afforded a reasonable  
8 opportunity to submit data, views or arguments, orally or in writing.  
9 The board of trustees shall consider all written and oral submissions  
10 respecting the proposal or change before taking final action.

11    3. Emergency policies or regulations may be adopted by the  
12 board upon its own finding that an emergency exists.

13    4. This section applies to policies and regulations concerning:

- 14    (a) Attendance rules;  
15    (b) Zoning;  
16    (c) Grading;  
17    (d) District staffing patterns;  
18    (e) Curriculum and program;  
19    (f) Pupil discipline; and  
20    (g) Personnel .

21 ~~except with respect to dismissals and refusals~~  
22 ~~to reemploy covered by contracts entered into as a result of the~~  
23 ~~Local Government Employee Management Relations Act, as~~  
24 ~~provided in NRS 391.3116.]~~

25    **Sec. 2.** Chapter 391 of NRS is hereby amended by adding  
26 thereto the provisions set forth as sections 3 to 11, inclusive, of this  
27 act.

28    **Sec. 3. *The Legislature declares that:***

29    ***1. The quality of public education can be improved by the***  
30 ***implementation of systematic, fair and competent evaluations of***  
31 ***teachers and administrators; and***

32    ***2. The purpose of evaluating teachers and administrators is***  
33 ***to:***

34    ***(a) Foster the professional growth of teachers and***  
35 ***administrators.***

36    ***(b) Improve the academic proficiency and achievement of***  
37 ***pupils.***

38    **Sec. 4. *1. Each board shall establish a joint committee to***  
39 ***assist the board in the establishment of the performance***  
40 ***evaluation system for teachers pursuant to NRS 391.3125.***

41    ***2. The members of the joint committee established pursuant***  
42 ***to subsection 1 must be appointed by the board. The joint***  
43 ***committee must consist of an equal number of parents, teachers***  
44 ***and administrators.***

45    ***3. When determining the membership of the joint committee,***  
***the board may consider persons from a list of nominees:***



1       (a) *In the case of members who are parents, submitted by the*  
2 *parent-teacher associations located within the school district.*

3       (b) *In the case of members who are teachers, submitted by*  
4 *teachers employed by the school district.*

5       (c) *In the case of administrators, submitted by administrators*  
6 *who are employed by the school district.*

7       **Sec. 5.** 1. *Each board shall develop an annual program of*  
8 *orientation related to the performance evaluation system*  
9 *developed pursuant to NRS 391.3125. The program of orientation*  
10 *must include, without limitation:*

11       (i) *A description of the purpose of the evaluation; and*

12       (ii) *A description of the methods by which every teacher will be*  
13 *evaluated.*

14       2. *Each teacher must complete the program of orientation*  
15 *before the teacher is evaluated pursuant to NRS 391.3125.*

16       **Sec. 6.** 1. *Not later than 15 days after a teacher is evaluated*  
17 *pursuant to NRS 391.3125, the administrator who conducted the*  
18 *evaluation shall provide the teacher with a copy of the evaluation*  
19 *and discuss the evaluation with the teacher. The teacher may*  
20 *submit a written response to the evaluation to the administrator*  
21 *who conducted the evaluation. The administrator may revise the*  
22 *evaluation based upon the written response submitted by the*  
23 *teacher.*

24       2. *A teacher may submit a written appeal of the teacher's*  
25 *evaluation to the superintendent.*

26       3. *Upon receipt of a written appeal, the superintendent shall*  
27 *appoint a person who is not employed by the board and who has*  
28 *knowledge and expertise in the evaluation of teachers to review*  
29 *the evaluation or revised evaluation, as applicable, of the teacher.*  
30 *The person appointed by this subsection shall review the*  
31 *evaluation or revised evaluation, as applicable, any written*  
32 *response to the evaluation submitted by the teacher and any other*  
33 *documentation included in the personnel file of the teacher*  
34 *relating to the evaluation. The person shall make a*  
35 *recommendation to the superintendent regarding the evaluation.*  
36 *The superintendent shall review the recommendation and provide*  
37 *notice of his or her decision on the appeal to the teacher. The*  
38 *decision of the superintendent must be included in the personnel*  
39 *file of the teacher.*

40       **Sec. 7.** 1. *Each board shall develop a program of*  
41 *mentoring for probationary teachers.*

42       2. *The program of mentoring developed pursuant to*  
43 *subsection 1 must:*

44       (a) *Assign a postprobationary teacher to be a mentor to a*  
45 *probationary teacher;*



(b) Require that a postprobationary teacher who performs substantially the same duties as the probationary teacher be assigned as a mentor to the probationary teacher, if such a postprobationary teacher is available to serve as a mentor;

(c) Prohibit the mentor from participating in the evaluation of the probationary teacher conducted pursuant to NRS 391.3125; and

(d) Provide training in the mentoring of probationary teachers to every postprobationary teacher who mentors a probationary teacher pursuant to the program.

3. A postprobationary teacher who serves as a mentor pursuant to this section may receive compensation to serve as a mentor that is in addition to his or her regular salary.

**Sec. 8.** Each board shall base the salary of an administrator for the next school year at least in part on the evaluation of the administrator conducted pursuant to NRS 391.3127. The board shall determine the percentage of the administrator's salary that is based on such evaluation, but in no circumstances may the percentage be less than 15 percent.

**Sec. 9.** 1. A board may dismiss a postprobationary employee for unsatisfactory performance:

(a) During the term of the postprobationary employee's contract; or

(b) At the conclusion of the postprobationary employee's contract.

2. Before a board may dismiss a postprobationary employee for unsatisfactory performance, the board shall:

(a) Admonish the postprobationary employee pursuant to NRS 391.313; and

(b) Except as otherwise provided in subsection 5, develop and implement a plan of assistance for the postprobationary employee.

3. A plan of assistance developed pursuant to subsection 2 must include, without limitation:

(a) An identification of the performance areas in which the postprobationary employee is deficient;

(b) Measurable performance objectives which the postprobationary employee must meet in order not to be dismissed;

(c) The actions which the postprobationary employee must take to improve his or her performance; and

(d) The period for which the plan will be implemented. The period:

(1) May not exceed 120 school days unless the postprobationary employee has received authorization from the board to be on leave during the period that the plan of assistance is to be implemented.



(2) *May continue into the subsequent school year.*

(3) *Must be a sufficient length of time to enable the postprobationary employee to complete the plan of assistance.*

4. *Upon completion of the plan of assistance, the board shall reevaluate the performance of the postprobationary employee. If the board determines that the performance of the postprobationary employee is unsatisfactory, the board shall provide written notice in accordance with the provisions set forth in NRS 391.315 to 391.3194, inclusive, and sections 4 to 11, inclusive of this act of the intent to not reemploy or to dismiss the postprobationary employee.*

5. *A board may terminate a postprobationary employee without implementing a plan of assistance if the postprobationary employee was subject to a plan of assistance in the immediately preceding 3 years.*

**Sec. 10.** 1. *Each board shall, on or before June 30 of each year, submit to the Department a report on the evaluations conducted pursuant to NRS 391.3125 and 391.3127. The report must include, without limitation, the number and percentage of employees whose overall performance is determined to be highly effective, effective, minimally effective or ineffective, reported separately for the following groups of employees:*

(a) *Probationary teachers;*

(b) *Probationary administrators;*

(c) *Postprobationary teachers; and*

(d) *Postprobationary administrators.*

2. *The information reported pursuant to subsection 1 must be reported in the aggregate and must not disclose the identity of any teacher or administrator.*

**Sec. 11.** *The State Board may adopt regulations as it deems necessary to carry out the provisions of NRS 391.311 to 391.3197, inclusive, and sections 4 to 11, inclusive, of this act.*

**Sec. 12.** NRS 391.120 is hereby amended to read as follows:

391.120 1. Boards of trustees of the school districts in this State may employ legally qualified teachers and other licensed personnel and may determine their salaries ~~and the length of the term of school for which they are employed.~~ *pursuant to the program of compensation negotiated and established pursuant to NRS 391.168.* These conditions and any other conditions agreed upon by the parties must be embodied in a written contract, or notice of reemployment, to be approved by the board of trustees and accepted and signed by the employee. A copy of the contract or notice of reemployment, properly written, must be delivered to each teacher or other licensed employee not later than the opening of the term of school.



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

3. It is unlawful for the board of trustees of any school district to employ any teacher who is not legally qualified to teach all the grades which the teacher is engaged to teach. Except as otherwise provided in NRS 391.3015, the board of trustees shall suspend or terminate, as applicable, the employment of any teacher who fails to maintain a license issued pursuant to this chapter in force, if such a license is required for employment. Any such suspension or termination must comply with the requirements of NRS 391.301 to 391.309, inclusive.

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

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

(b) The designated assignment, as that term is defined by the Department, of the employee.

**Sec. 13.** NRS 391.160 is hereby amended to read as follows:

391.160 1. ~~{The salaries of teachers and other employees must be determined by the character of the service required.}~~ A school district shall not discriminate between male and female employees in the matter of salary.

2. Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for the teacher's classification on the schedule of salaries for the school district if:

(a) On or before January 31 of the school year, the teacher has submitted evidence satisfactory to the school district of his or her current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

➔ No increase in salary may be given pursuant to this subsection during a particular school year to a teacher who submits evidence of certification after January 31 of that school year. For the first school year that a teacher submits evidence of his or her current certification, the board of trustees of the school district to whom the evidence was submitted shall pay the increase in salary required by this subsection retroactively to the beginning of that school year. Once a teacher has submitted evidence of such certification to the



1 school district, the school district shall retain the evidence in its  
2 records, as applicable, for future school years. An increase in salary  
3 given in accordance with this subsection is in addition to any other  
4 increase to which the teacher may otherwise be entitled.

5 3. Each year when determining the salary of a person who is  
6 employed by a school district as a speech pathologist, the school  
7 district shall add 5 percent to the salary that the employee would  
8 otherwise receive in 1 year for the employee's classification on the  
9 schedule of salaries for the school district if:

10 (a) On or before September 15 of the school year, the employee  
11 has submitted evidence satisfactory to the school district of the  
12 employee's:

13 (1) Licensure as a speech pathologist by the Board of  
14 Examiners for Audiology and Speech Pathology; and

15 (2) Certification as being clinically competent in speech-  
16 language pathology by:

17 (I) The American Speech-Language-Hearing Association;  
18 or

19 (II) A successor organization to the American Speech-  
20 Language-Hearing Association that is recognized and determined to  
21 be acceptable by the Board of Examiners for Audiology and Speech  
22 Pathology; and

23 (b) The employee is assigned by the school district to serve as a  
24 speech pathologist during the school year.

25 ➡ No increase in salary may be given pursuant to this subsection  
26 during a particular school year to an employee who submits  
27 evidence of licensure and certification after September 15 of that  
28 school year. Once an employee has submitted evidence of such  
29 licensure and certification to the school district, the school district  
30 shall retain the evidence in its records, as applicable, for future  
31 school years. An increase in salary given in accordance with this  
32 subsection is in addition to any other increase to which the  
33 employee may otherwise be entitled.

34 4. Each year when determining the salary of a person who is  
35 employed by a school district as a professional school library media  
36 specialist, the school district shall add 5 percent to the salary that the  
37 employee would otherwise receive in 1 year for the employee's  
38 classification on the schedule of salaries of the school district if:

39 (a) On or before September 15 of the school year, the employee  
40 has submitted evidence satisfactory to the school district of the  
41 employee's current certification as a professional school library  
42 media specialist issued by the National Board for Professional  
43 Teaching Standards; and

44 (b) The employee is assigned by the school district to serve as a  
45 professional school library media specialist during that school year.





1    ➤ No increase in salary may be given pursuant to this subsection  
2 during a particular school year to an employee who submits  
3 evidence of certification after September 15 of that school year.  
4 Once an employee has submitted evidence of such certification to  
5 the school district, the school district shall retain the evidence in its  
6 records, as applicable, for future school years. An increase in salary  
7 given in accordance with this subsection is in addition to any other  
8 increase to which the employee may otherwise be entitled.

9    5. In determining the salary of a licensed teacher who is  
10 employed by a school district after the teacher has been employed  
11 by another school district in this State, the present employer shall :  
12 ~~1. except as otherwise provided in subsection 8.;~~

13    (a) Give the teacher the same credit for previous teaching  
14 service as the teacher was receiving from the teacher's former  
15 employer at the end of his or her former employment;

16    (b) Give the teacher credit for the teacher's final year of service  
17 with his or her former employer, if credit for that service is not  
18 included in credit given pursuant to paragraph (a); and

19    (c) Place the teacher on the schedule of salaries of the school  
20 district in a classification that is commensurate with the level of  
21 education acquired by the teacher . ~~1. as set forth in the applicable~~  
22 ~~negotiated agreement with the present employer.;~~

23    6. A school district may give the credit required by subsection  
24 5 for previous teaching service earned in another state if the  
25 Commission has approved the standards for licensing teachers of  
26 that state. The Commission shall adopt regulations that establish the  
27 criteria by which the Commission will consider the standards for  
28 licensing teachers of other states for the purposes of this subsection.  
29 The criteria may include, without limitation, whether the  
30 Commission has authorized reciprocal licensure of educational  
31 personnel from the state under consideration.

32    7. ~~In determining the salary of a licensed administrator, other~~  
33 ~~than the superintendent of schools, who is employed by a school~~  
34 ~~district after the administrator has been employed by another school~~  
35 ~~district in this State, the present employer shall, except as otherwise~~  
36 ~~provided in subsection 8:~~

37    ~~—(a) Give the administrator the same credit for previous~~  
38 ~~administrative service as the administrator was receiving from the~~  
39 ~~administrator's former employer, at the end of his or her former~~  
40 ~~employment;~~

41    ~~—(b) Give the administrator credit for the administrator's final~~  
42 ~~year of service with his or her former employer, if credit for that~~  
43 ~~service is not otherwise included in the credit given pursuant to~~  
44 ~~paragraph (a); and~~



~~—(c) Place the administrator on the schedule of salaries of the school district in a classification that is comparable to the classification the administrator had attained on the schedule of salaries of the administrator's former employer.~~

~~—8.} This section does not:~~

(a) Require a school district to allow a teacher ~~for administrator~~ more credit for previous teaching ~~for administrative~~ service than the maximum credit for teaching ~~for administrative~~ experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher ~~for administrator~~ credit for his or her previous teaching ~~for administrative~~ service on the ground that the service differs in kind from the teaching ~~for administrative~~ experience for which credit is otherwise given by the school district.

~~{9.} 8. As used in this section {:~~

~~—(a) "Previous administrative service" means the total of:~~

~~—(1) Any period of administrative service for which an administrator received credit from the administrator's former employer at the beginning of his or her former employment; and~~

~~—(2) The administrator's period of administrative service in his or her former employment.~~

~~—(b) "Previous", "previous teaching service" means the total of:~~

~~{(1)} (a) Any period of teaching service for which a teacher received credit from the teacher's former employer at the beginning of his or her former employment; and~~

~~{(2)} (b) The teacher's period of teaching service in his or her former employment.~~

**Sec. 14.** NRS 391.168 is hereby amended to read as follows:

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

~~{:~~

~~—(a) Establish} negotiate pursuant to chapter 288 of NRS with the recognized employee organization that represents licensed educational personnel within the school district to establish a program of {performance pay and enhanced} compensation for {the recruitment and retention of} licensed teachers . {and administrators which must be negotiated pursuant to chapter 288 of NRS; and~~

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

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



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

~~(b) Professional development;~~

~~(c) Group incentives; and~~

~~(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.} must include, without limitation, a schedule of salaries.~~

*2. Advancement on the schedule of salaries must be based primarily on the evaluations conducted pursuant to NRS 391.3125.*

*3. Except as otherwise provided in subsection 4, a teacher may not advance on the schedule of salaries if an evaluation conducted pursuant to NRS 391.3125 designates the overall performance of the teacher as minimally effective or ineffective.*

*4. If an evaluation conducted pursuant to NRS 391.3125 designates the overall performance of a teacher as minimally effective or ineffective, the teacher may advance on the schedule of salaries if he or she:*

*(a) Is in the first 3 years of teaching a new subject or grade level or at a new school; or*

*(b) Is working under a plan of assistance implemented pursuant to section 9 of this act and his or her evaluation shows he or she is making adequate progress in performance pursuant to the plan of assistance.*

**Sec. 15.** NRS 391.311 is hereby amended to read as follows:

391.311 As used in NRS 391.311 to 391.3197, inclusive, *and sections 4 to 11, inclusive, of this act*, unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, *and sections 4 to 11, inclusive, of this act*, is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:



(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.3129.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.3197; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.3129.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

*9. "Unsatisfactory performance" means the failure of any teacher or administrator to perform his or her duties in a highly effective or effective manner as a result of undeveloped skills, lack of knowledge or aptitude, or insufficient effort.*

**Sec. 16.** NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, *and sections 4 to 11, inclusive, of this act* do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

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

(a) A probationary teacher. The ~~policy for evaluations prescribed in~~ *performance evaluation system developed pursuant to NRS 391.3125 and the provisions of NRS 391.3128* ~~applies~~ *apply* to a probationary teacher.

(b) A new employee who is employed as a probationary administrator. The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to a probationary administrator.



3. The admonition, demotion and suspension provisions of NRS 391.311 to 391.3194, inclusive, *and sections 4 to 11, inclusive, of this act* do not apply to a postprobationary teacher who is employed as a probationary administrator 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 a probationary administrator.

4. The provisions of NRS 391.311 to 391.3194, inclusive, *and sections 4 to 11, inclusive, of this act* 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, *and sections 4 to 11, inclusive, of this act* for demotion, suspension or dismissal apply to them.

**Sec. 17.** NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) ~~Inadequate~~ *Unsatisfactory* performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;
- (l) Failure to show normal improvement and evidence of professional training and growth;



(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015;

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620;

(s) An intentional violation of NRS 388.5265 or 388.527;

(t) Gross misconduct; or

(u) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. ~~In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.~~

~~3.~~ As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

**Sec. 18.** 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,~~ *the joint committee established pursuant to section 4 of this act and based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460,* shall develop a ~~policy~~ *performance evaluation system* for objective evaluations ~~in narrative form~~ *of teachers.* The ~~policy~~ *system* must ~~comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy must set~~ *:*

*(a) Be consistent with generally accepted professional standards for a personnel evaluation system.*



(b) Set forth a means according to which ~~an employee's~~ a teacher's overall performance is determined to be highly effective, effective, minimally effective or ineffective. ~~The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 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.~~

~~3.1~~ (c) Evaluate the performance of a teacher based on:

- (1) A self-evaluation by the teacher;
- (2) Evaluations submitted by the teacher's pupils and parents or legal guardians of those pupils;
- (3) Observations of other teachers;
- (4) Evidence of professional growth of the teacher;
- (5) The academic achievement and proficiency of the teacher's pupils; and
- (6) Any other factors determined appropriate by the board.

(d) Require that a teacher be evaluated by an administrator who has observed the teacher in the classroom for a reasonable amount of time.

2. 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.~~

~~4.1~~ 3. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year. If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the





1 postprobationary teacher must be evaluated three times in the  
2 immediately succeeding school year. ~~{An administrator charged~~  
3 ~~with the evaluation of a postprobationary teacher shall personally~~  
4 ~~observe the performance of the teacher in the classroom for not less~~  
5 ~~than a cumulative total of 60 minutes during each evaluation period;~~  
6 ~~with at least one observation during that 60 minute evaluation~~  
7 ~~period consisting of at least 30 consecutive minutes. If a}~~ A  
8 postprobationary teacher *who* is evaluated three times in a school  
9 year and ~~he or she~~ *who* receives an evaluation designating his or  
10 her overall performance as minimally effective or ineffective on the  
11 first or second evaluation, or both evaluations, ~~{the postprobationary~~  
12 ~~teacher}~~ may request that the third evaluation be conducted by  
13 another administrator. If a postprobationary teacher requests that his  
14 or her third evaluation be conducted by another administrator, that  
15 administrator must be:

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

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

21 ~~{5. The evaluation of a probationary teacher or a~~  
22 ~~postprobationary teacher must include, without limitation:~~

23 ~~—(a) An evaluation of the classroom management skills of the~~  
24 ~~teacher;~~

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

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

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

36 ~~—(e) An evaluation of whether the teacher employs practices and~~  
37 ~~strategies to involve and engage the parents and families of pupils in~~  
38 ~~the classroom;~~

39 ~~—(f) If necessary, recommendations for improvements in the~~  
40 ~~performance of the teacher;~~

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

43 ~~—(h) A statement by the administrator who evaluated the teacher~~  
44 ~~indicating the amount of time that the administrator personally~~  
45 ~~observed the performance of the teacher in the classroom.~~





~~6. 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. 19.** 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,] The State Board shall develop [an objective policy] a system for the objective evaluation of administrators . [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 administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 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. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.~~

~~4. 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.]~~

*The system must set forth a means according to which the administrator's overall performance is determined to be highly effective, effective, minimally effective or ineffective in each of the following areas:*

**1. Pupil achievement.**



2 *2. Leadership skills. An evaluation of an administrator's*  
3 *leadership skills must be based on feedback from teachers and*  
4 *parents and guardians of pupils.*

5 *3. Proficiency in completing the evaluation of teachers.*

6 *4. Any other factor the State Board determines is relevant to*  
7 *the effective evaluation of an administrator.*

8 **Sec. 20.** NRS 391.3128 is hereby amended to read as follows:

9 391.3128 1. If a written evaluation of a probationary teacher  
10 or probationary administrator designates the overall performance of  
11 the teacher or administrator as "minimally effective" or  
12 "ineffective":

13 (a) The written evaluation must include the following  
14 ~~statement: "Please be advised that, pursuant to Nevada law, your~~  
15 ~~contract may not be renewed for the next school year. If you receive~~  
16 ~~a 'minimally effective' or 'ineffective' evaluation on]~~ *information:*

17 *(1) The areas in which the probationary employee is*  
18 *deficient;*

19 *(2) The assistance which will be provided to the*  
20 *probationary employee to improve his or her performance; and*

21 *(3) Recommendations for how the probationary employee*  
22 *could improve his or her performance.*

23 *(b) On the first or second evaluation, or both evaluations for*  
24 ~~[this] a school year, and if [you have] the probationary employee~~  
25 ~~has another evaluation remaining this school year, [you] the~~  
26 ~~probationary employee may request that the evaluation be~~  
27 ~~conducted by another administrator. [You may also request, to the~~  
28 ~~administrator who conducted the evaluation, reasonable assistance~~  
29 ~~in correcting the deficiencies reported in the evaluation for which~~  
30 ~~you request assistance, and upon such request, a reasonable effort~~  
31 ~~will be made to assist you in correcting those deficiencies."~~

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

35 2. If a probationary ~~teacher or probationary administrator]~~  
36 *employee* requests that his or her next evaluation be conducted by  
37 another administrator in accordance with ~~[the notice required by]~~  
38 *paragraph (b) of* subsection 1, the administrator conducting the  
39 evaluation must be:

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

43 (b) Selected by the probationary ~~teacher or probationary~~  
44 ~~administrator, as applicable,]~~ *employee* from a list of three  
candidates submitted by the superintendent.



3. ~~If a~~ *Each* 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.~~ *employee is responsible for improving his or her performance and demonstrating improvement in the areas of deficiency which are identified in his or her evaluation.*

4. *Probationary employees have no right to reemployment.*

Sec. 21. NRS 391.3129 is hereby amended to read as follows:

391.3129 A postprobationary employee who receives an evaluation designating his or her overall performance as ~~+~~:

~~1. If evaluated pursuant to NRS 391.3125 or 391.3127, as applicable;~~

~~(a) Minimally effective;~~

~~(b) Ineffective; or~~

~~(c) Minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period; or~~

~~2. If evaluated pursuant to any other system of evaluation, any designation which indicates that the overall performance of the employee is below average;~~

*➔* ~~minimally effective or ineffective~~ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, *and sections 4 to 11, inclusive, of this act* and must serve an additional probationary period in accordance with the provisions of NRS 391.3197.

Sec. 22. NRS 391.315 is hereby amended to read as follows:

391.315 1. A superintendent may recommend that a teacher be dismissed or not reemployed ~~+~~, *including, without limitation, during the term of the teacher's contract.*

2. A superintendent may recommend that an administrator be demoted, dismissed or not reemployed ~~+~~, *including, without limitation, during the term of the administrator's contract.*

3. The board may recommend that a superintendent be dismissed or not reemployed.

4. If the board recommends that a superintendent be demoted, dismissed or not reemployed, it may request the appointment of a hearing officer, depending upon the grounds for the recommendation.

Sec. 23. NRS 391.3196 is hereby amended to read as follows:

391.3196 1. ~~On or before May 1 of each year,~~ *Not later than 30 days before the expiration of the contract of a postprobationary employee,* the board shall notify ~~the~~ postprobationary ~~employees in their employ,~~ *employee* in writing, by certified mail or by delivery of the *postprobationary* employee's



1 contract, concerning ~~their~~ *the postprobationary employee's*  
2 reemployment for the ensuing year. If the board, or the person  
3 designated by it, fails to notify a postprobationary employee who  
4 has been employed by a school district of ~~the employee's~~ *his or*  
5 *her* status for the ensuing year, the *postprobationary* employee shall  
6 be deemed to be reemployed for the ensuing year under the same  
7 terms and conditions as he or she is employed for the current year.

8 2. This section does not apply to any licensed employee who  
9 has been recommended to be demoted, dismissed or not reemployed  
10 if proceedings have commenced and no final decision has been  
11 made by the board. A licensed employee may be demoted or  
12 dismissed for grounds set forth in NRS 391.312 after the employee  
13 has been notified that he or she is to be reemployed for the ensuing  
14 year.

15 3. Any licensed employee who is reemployed pursuant to  
16 subsection 1 shall, ~~by May~~ *not later than 10* ~~11~~ *days after receipt*  
17 *of the notification required pursuant to subsection 1*, notify the  
18 board in writing of the employee's acceptance of employment.  
19 Failure on the part of the employee to notify the board of his or her  
20 acceptance within the specified time is conclusive evidence of the  
21 employee's rejection of the contract.

22 4. If the licensed employees are represented by a recognized  
23 employee organization and negotiation has been commenced  
24 pursuant to NRS 288.180, then the provisions of subsections 1, 2  
25 and 3 do not apply except in the case of a demotion, dismissal or  
26 decision not to reemploy an employee. ~~Before May 10 of each year,~~  
27 ~~the employees~~ *The licensed employees* shall notify the board in  
28 writing, on forms provided by the board, of their acceptance of  
29 reemployment. Any agreement negotiated by the recognized  
30 employee organization and the board becomes a part of the contract  
31 of employment between the board and the employee. The board  
32 shall mail contracts, by certified mail with return receipts requested,  
33 to each employee to be reemployed at the last known address of the  
34 employee or shall deliver the contract in person to each employee,  
35 obtaining a receipt therefor. Failure on the part of the employee to  
36 notify the board of the employee's acceptance within 10 days after  
37 receipt of the contract is conclusive evidence of the employee's  
38 rejection of the contract.

39 **Sec. 24.** NRS 391.3197 is hereby amended to read as follows:

40 391.3197 1. ~~1A~~ *Except as otherwise provided in subsection*  
41 *2, a* probationary employee is employed on a contract basis for three  
42 1-year periods . ~~and~~ *A probationary employee* has no right to  
43 employment after any of the three probationary contract years.

44 2. *A board may require a probationary employee to complete*  
45 *two additional 1-year periods in accordance with a written policy*



1 *adopted by the board that sets forth the circumstances under*  
2 *which a probationary employee must complete two additional 1-*  
3 *year periods. A probationary employee who is required to complete*  
4 *two additional 1-year periods has no right to employment after any*  
5 *of the two additional probationary contract years.*

6 3. The board shall notify each probationary employee in  
7 writing ~~on or before May 1 of the first, second, and third school~~  
8 ~~years~~ *not later than 60 days before the end of each school year* of  
9 the employee's probationary period, as appropriate, whether the  
10 *probationary* employee is to be reemployed. ~~for the second or~~  
11 ~~third year of the probationary period or for the fourth school year, as~~  
12 ~~a postprobationary employee.~~ Failure of the board to notify the  
13 probationary employee in writing ~~on or before May 1 in the first, or~~  
14 ~~second year of the probationary period~~ does not entitle the  
15 *probationary* employee to postprobationary status. The  
16 *probationary* employee must advise the board in writing ~~on or~~  
17 ~~before May~~ *not later than 10 days after receipt* of the ~~first,~~  
18 ~~second, or third year of the employee's probationary period, as~~  
19 ~~appropriate, of the employee's acceptance of~~ *notice if the*  
20 *probationary employee accepts* reemployment. ~~If a probationary~~  
21 ~~employee is assigned to a school that operates all year, the board~~  
22 ~~shall notify the employee in writing, in the first, second, and third~~  
23 ~~years, of the employee's probationary period, no later than 45 days~~  
24 ~~before his or her last day of work for the year under his or her~~  
25 ~~contract whether the employee is to be reemployed for the second,~~  
26 ~~or third, year of the probationary period or for the fourth school year~~  
27 ~~as a postprobationary employee. Failure of the board to notify a~~  
28 ~~probationary employee in writing within the prescribed period in the~~  
29 ~~first, or second, year of the probationary period does not entitle the~~  
30 ~~employee to postprobationary status. The employee must advise~~  
31 ~~the board in writing within 10 days after the date of notification of~~  
32 ~~his or her acceptance or rejection of reemployment for another year.~~  
33 ~~Failure to advise the board of the employee's acceptance of~~  
34 ~~reemployment pursuant to this subsection constitutes rejection of the~~  
35 ~~contract.~~

36 ~~—3.~~ 4. A probationary employee who:

37 (a) Completes a 3-year *or 5-year* probationary period ~~if~~ *, as*  
38 *applicable;*

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

42 (c) Receives a notice of reemployment from the school district  
43 in the third *or fifth* year of the employee's probationary period, *as*  
44 *applicable,*



1 ➤ is entitled to be a postprobationary employee in the ensuing year  
2 of employment.

3 ~~14.1~~ 5. If a probationary employee is notified that the  
4 *probationary* employee will not be reemployed for the school year  
5 following the 3-year *or 5-year* probationary period, *as applicable*,  
6 his or her employment ends on the last day of the current school  
7 year. The notice that the *probationary* employee will not be  
8 reemployed must include a statement of the reasons for that  
9 decision.

10 ~~15.1~~ 6. A new employee who is employed as an administrator  
11 or a postprobationary teacher who is employed as an administrator  
12 shall be deemed to be a probationary employee for the purposes of  
13 this section and must serve a 3-year *or 5-year* probationary period ,  
14 *as applicable*, as an administrator in accordance with the provisions  
15 of this section. If:

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

19 (b) There is a position as a teacher available for the ensuing  
20 school year in the school district in which the person is employed,  
21 ➤ the board of trustees of the school district shall, ~~on or before~~  
22 ~~May 1,~~ *not later than 60 days before the expiration of his or her*  
23 *contract*, offer the person a contract as a teacher for the ensuing  
24 school year. The person may accept the contract in writing ~~on or~~  
25 ~~before May 1~~ *not later than 10 11 days after receipt of the offer*. If  
26 the person fails to accept the contract as a teacher, the person shall  
27 be deemed to have rejected the offer of a contract as a teacher.

28 ~~16.1~~ 7. An administrator who has completed his or her  
29 probationary period pursuant to subsection ~~15.1~~ 6 and is thereafter  
30 promoted to the position of principal must serve an additional  
31 probationary period of 1 year in the position of principal. If an  
32 administrator is promoted to the position of principal before  
33 completion of his or her probationary period pursuant to subsection  
34 ~~15.1~~ 6, the administrator must serve the remainder of his or her  
35 probationary period pursuant to subsection ~~15.1~~ 6 or an additional  
36 probationary period of 1 year in the position of principal, whichever  
37 is longer. If the administrator serving the additional probationary  
38 period is not reemployed as a principal after the expiration of the  
39 probationary period or additional probationary period, as applicable,  
40 the board of trustees of the school district in which the person is  
41 employed shall, ~~on or before May 1,~~ *not later than 60 days before*  
42 *the expiration of his or her contract*, offer the person a contract for  
43 the ensuing school year for the administrative position in which the  
44 person attained postprobationary status. The person may accept the  
45 contract in writing ~~on or before May 1~~ *not later than 10 11 days*



1 *after receipt of the offer.* If the person fails to accept such a  
2 contract, the person shall be deemed to have rejected the offer of  
3 employment.

4 ~~17.1~~ 8. If a probationary employee receives notice that he or  
5 she will be dismissed before the completion of the current school  
6 year, the probationary employee may request an expedited hearing  
7 pursuant to the Expedited Labor Arbitration Procedures established  
8 by the American Arbitration Association or its successor  
9 organization.

10 **Sec. 25.** NRS 391.350 is hereby amended to read as follows:

11 391.350 1. Any teacher or other licensed employee employed  
12 by any board for a specified time who willfully refuses or fails to  
13 fulfill his or her employment obligations after the employee has  
14 notified the board of his or her acceptance of employment under  
15 subsection 3 of NRS 391.3196 or subsection ~~12.1~~ 3 of NRS 391.3197  
16 or to comply with the provisions of his or her contract after it has  
17 been signed without first obtaining the written consent of the board  
18 may be found guilty of unprofessional conduct. The board shall not  
19 unreasonably withhold its consent. Any administrator who willfully  
20 secures the signature on a statement of intent to accept employment  
21 of any teacher or other licensed employee who has notified the  
22 board of another school district in this State of his or her acceptance  
23 of employment is guilty of unprofessional conduct, unless the  
24 employee has first obtained the written consent of the board to  
25 which he or she has given notice of acceptance. If the failure or  
26 refusal to comply with the provisions of the contract is the result of  
27 having subsequently executed an employment contract with another  
28 board in this State without the written consent of the board first  
29 employing him or her, the second contract is void.

30 2. Upon receiving a formal complaint from the board,  
31 substantiated by conclusive evidence of a teacher's failure or refusal  
32 under subsection 1 or that an administrator has willfully secured  
33 such a signature, the State Board may suspend or revoke the license  
34 of the teacher or administrator after notice and opportunity for a  
35 hearing have been provided pursuant to NRS 391.322 and 391.323.

36 3. The Superintendent of Public Instruction shall notify state  
37 agencies for education in other states of any revocation pursuant to  
38 this section.

39 **Sec. 26.** NRS 391.450 is hereby amended to read as follows:

40 391.450 As used in NRS 391.450 ~~to 391.465, inclusive,~~ ,  
41 **391.455 and 391.460,** "Council" means the Teachers and Leaders  
42 Council of Nevada created by NRS 391.455.

43 **Sec. 27.** NRS 391.460 is hereby amended to read as follows:

44 391.460 ~~11.1~~ The Council shall ~~1~~





1 ~~—(a) Make~~ *make* recommendations to the ~~{State Board}~~ *board of*  
2 *trustees of each school district* concerning the adoption of  
3 ~~{regulations for establishing a statewide}~~ *a* performance evaluation  
4 system ~~{to ensure that teachers and administrators employed by~~  
5 ~~school districts are:~~

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

9 ~~—(2) Afforded a meaningful opportunity to improve their~~  
10 ~~effectiveness through professional development that is linked to~~  
11 ~~their evaluations; and~~

12 ~~—(3) Provided with the means to share effective educational~~  
13 ~~methods with other teachers and administrators throughout this~~  
14 ~~State.~~

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

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

22 ~~—2. The performance evaluation system recommended by the~~  
23 ~~Council must ensure that:~~

24 ~~—(a) Data derived from the evaluations is used to create~~  
25 ~~professional development programs that enhance the effectiveness~~  
26 ~~of teachers and administrators; and~~

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

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

34 ~~—4.~~ *for teachers.* The ~~{State Board}~~ *board of trustees of a*  
35 *school district and the joint committee established pursuant to*  
36 *section 4 of this act* shall consider the recommendations made by  
37 the Council pursuant to this section . ~~{and shall adopt regulations~~  
38 ~~establishing a statewide performance evaluation system as required~~  
39 ~~by NRS 391.465.}~~

40 **Sec. 28.** NRS 288.151 is hereby amended to read as follows:

41 288.151 *1. The board of trustees of a school district may*  
42 *determine a reduction in the existing workforce of licensed*  
43 *educational personnel in the school district is necessary due to:*

44 *(a) A decline in the enrollment of pupils in schools located in*  
45 *the school district;*





*(b) The discontinuance or reduction of a program or service provided by the school district;*

*(c) A shortage in the anticipated revenue after a school budget has been adopted; or*

*(d) The consolidation of schools within the school district.*

2. If the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must not be based ~~solely~~ on the seniority of the teacher or administrator and may include, without limitation, a consideration of the following factors:

~~11-1~~ (a) Whether the teacher or administrator is employed in a position which is hard to fill;

~~12-1~~ (b) Whether the teacher or administrator has received a national board certification;

~~13-1~~ (c) The performance evaluations of the teacher or administrator;

~~14-1~~ (d) The disciplinary record of the teacher or administrator within the school district;

~~15-1~~ (e) The criminal record of the teacher or administrator, if any;

~~16-1~~ (f) The type of licensure held by the teacher or administrator; and

~~17-1~~ (g) The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

**Sec. 29.** The provisions of this act do not apply to any collective bargaining agreement entered into before July 1, 2014, during the current term of the agreement, but do apply to any extension or renewal of such an agreement and to any collective bargaining agreement entered into on or after July 1, 2014.

**Sec. 30.** NRS 391.3116 and 391.465 are hereby repealed.

**Sec. 31.** This act becomes effective:

1. On July 1, 2013, for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2014, for all other purposes.



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## TEXT OF REPEALED SECTIONS

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**391.3116 Contract negotiated by collective bargaining may supersede provisions of NRS 391.311 to 391.3197, inclusive; exception for certain employees deemed probationary.** Excluding the provisions of NRS 391.3129, the provisions of NRS 391.311 to 391.3197, inclusive, do not apply to a teacher, administrator, or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee or demote an administrator.

**391.465 Establishment of statewide performance evaluation system by State Board.**

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

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

