

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; and providing other matters properly relating thereto.



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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 in the second year of the biennium 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 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 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 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 school-based administrators commencing with the 2014-2015 school year. For the 2014-2015 school year, the Department of Education, in consultation with the 17 school districts, is required to select a representative sample of counselors, librarians and other licensed educational personnel, except for teachers and administrators, to undergo evaluations under the new statewide performance evaluation system in addition to being evaluated under the "satisfactory" or "unsatisfactory" system. Commencing with the 2015-2016 school year, all counselors, librarians and other licensed educational personnel are required to be evaluated pursuant to the new statewide performance evaluation system. **Sections 19 and 21** prohibit the basing of any decisions regarding an employee's suspension, demotion, dismissal or refusal to reemploy 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:

- Section 1.** NRS 386.650 is hereby amended to read as follows:
- 386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:
- (a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:
 - (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and
 - (2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;
 - (b) Include a system of unique identification for each pupil:



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

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

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

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

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

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

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

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

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

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

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



1 without limitation, the development of plans for the educational
2 technology which is necessary to adopt and maintain the program;

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

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

8 3. The Superintendent of Public Instruction shall:

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

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

16 (c) Prescribe the format for the data;

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

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

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

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

26 (1) Individual pupils;

27 (2) Individual teachers;

28 (3) Individual schools and school districts; and

29 (4) Programs and financial information;

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

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

38 4. The Department shall establish, to the extent authorized by
39 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
40 1232g, and any regulations adopted pursuant thereto, a mechanism
41 by which persons or entities, including, without limitation, state
42 officers who are members of the Executive or Legislative Branch,
43 administrators of public schools and school districts, teachers and
44 other educational personnel, and parents and guardians, will have
45 different types of access to the accountability information contained



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

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

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

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

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

22 391.168 1. The board of trustees of each school district shall:

23 (a) Establish a program of performance pay and enhanced
24 compensation for the recruitment and retention of licensed teachers
25 and administrators which must be negotiated pursuant to chapter
26 288 of NRS; and

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

29 2. The program of performance pay and enhanced
30 compensation established by a school district pursuant to subsection
31 1 must have as its primary focus the improvement in the academic
32 achievement of pupils and must give appropriate consideration to
33 implementation in at-risk schools. In addition, the program may
34 include, without limitation, the following components:

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

38 (b) Professional development;

39 (c) Group incentives; and

40 (d) Multiple assessments of individual teachers and
41 administrators, with primary emphasis on individual pupil
42 improvement and growth in academic achievement, including,
43 without limitation, portfolios of instruction, leadership and
44 professional growth, and other appropriate measures of teacher and
45 administrator performance which must be considered.



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

2 391.3115 1. The demotion, suspension, dismissal and
3 nonreemployment provisions of NRS 391.311 to 391.3197,
4 inclusive, do not apply to:

5 (a) Substitute teachers; or

6 (b) Adult education teachers.

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

10 (a) A probationary teacher. The policy for evaluations
11 prescribed in NRS 391.3125 and 391.3128 applies to a probationary
12 teacher.

13 (b) A new employee who is employed as a probationary
14 administrator ~~H~~ *primarily to provide administrative services at the*
15 *school level and not primarily to provide direct instructional*
16 *services to pupils, regardless of whether licensed as a teacher or*
17 *administrator, including, without limitation, a principal and vice*
18 *principal.* The policy for evaluations prescribed in NRS 391.3127
19 and 391.3128 applies to *such* a probationary administrator.

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

31 4. The provisions of NRS 391.311 to 391.3194, inclusive, do
32 not apply to a teacher whose employment is suspended or
33 terminated pursuant to subsection 3 of NRS 391.120 or NRS
34 391.3015 for failure to maintain a license in force.

35 5. A licensed employee who is employed in a position fully
36 funded by a federal or private categorical grant or to replace another
37 licensed employee during that employee's leave of absence is
38 employed only for the duration of the grant or leave. Such a licensed
39 employee and licensed employees who are employed on temporary
40 contracts for 90 school days or less, or its equivalent in a school
41 district operating under an alternative schedule authorized pursuant
42 to NRS 388.090, to replace licensed employees whose employment
43 has terminated after the beginning of the school year are entitled to
44 credit for that time in fulfilling any period of probation and during



1 that time the provisions of NRS 391.311 to 391.3197, inclusive, for
2 demotion, suspension or dismissal apply to them.

3 **Sec. 4.** NRS 391.3125 is hereby amended to read as follows:

4 391.3125 1. It is the intent of the Legislature that a uniform
5 system be developed for objective evaluation of teachers and other
6 licensed personnel in each school district.

7 2. Each board, following consultation with and involvement of
8 elected representatives of the teachers or their designees, shall
9 develop a policy for objective evaluations in narrative form. The
10 policy must comply with the statewide performance evaluation
11 system established by the State Board pursuant to NRS 391.465.
12 The policy must set forth a means according to which an employee's
13 overall performance is determined to be highly effective, effective,
14 minimally effective or ineffective. ~~[/del] *Except as otherwise*
15 *provided in subsection 9, the* policy must require that ~~[/del>
16 ~~the information maintained pursuant to paragraphs (c), (d) and (e) of~~
17 ~~subsection 1 of NRS 386.650]~~ *pupil achievement data, as*
18 *prescribed by the State Board pursuant to NRS 391.465,* account
19 for at least 50 percent of the evaluation. The policy may include an
20 evaluation by the teacher, pupils, administrators or other teachers or
21 any combination thereof. In a similar manner, counselors, librarians
22 and other licensed personnel must be evaluated. ~~[/del>
23 ~~on forms developed specifically for their respective specialties.]~~ A copy of the
24 policy adopted by the board must be filed with the Department. The
25 primary purpose of an evaluation is to provide a format for
26 constructive assistance. Evaluations, while not the sole criterion,
27 must be used in the dismissal process.~~~~~~

28 3. ~~[/del>
29 ~~A conference and a written evaluation for a probationary~~
30 ~~employee must be concluded not later than:~~~~

- 31 ~~—(a) December 1;~~
32 ~~—(b) February 1; and~~
33 ~~—(c) April 1;~~

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

44 ~~—4. Except as otherwise provided in this subsection, each~~
45 ~~postprobationary teacher must be evaluated at least once each year.]~~
The person charged with the evaluation of a teacher pursuant to



1 *this section shall hold a conference with the teacher before and*
2 *after each scheduled observation of the teacher during the school*
3 *year.*

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

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

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

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

16 *5. If a postprobationary teacher receives an evaluation*
17 *designating his or her overall performance as minimally effective or*
18 *ineffective, the postprobationary teacher must be evaluated three*
19 *times in the immediately succeeding school year* ~~*[An administrator*~~
20 ~~*charged with the evaluation of a postprobationary teacher shall*~~
21 ~~*personally observe the performance of the teacher in the classroom*~~
22 ~~*for not less than a cumulative total of 60 minutes during each*~~
23 ~~*evaluation period, with at least one observation during that 60-*~~
24 ~~*minute evaluation period consisting of at least 30 consecutive*~~
25 ~~*minutes.] in accordance with the observation schedule set forth in*~~
26 *subsection 4.* If a postprobationary teacher is evaluated three times
27 in a school year and he or she receives an evaluation designating his
28 or her overall performance as minimally effective or ineffective on
29 the first or second evaluation, or both evaluations, the
30 postprobationary teacher may request that the third evaluation be
31 conducted by another administrator. If a postprobationary teacher
32 requests that his or her third evaluation be conducted by another
33 administrator, that administrator must be:

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

37 *(b) Selected by the postprobationary teacher from a list of three*
38 *candidates submitted by the superintendent.*

39 ~~*[5-]*~~ *6. If a postprobationary teacher receives an evaluation*
40 *designating his or her overall performance as effective, the*
41 *postprobationary teacher must be evaluated one time in the*
42 *immediately succeeding school year. The evaluation must include*
43 *at least two scheduled observations as follows:*

44 *(a) The first scheduled observation must occur within 80 days*
45 *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*



1 personally observed the performance of the teacher in the
2 classroom.

3 ~~16.1~~ 9. *The evaluation of a probationary teacher in his or her*
4 *initial year of employment as a probationary teacher must not*
5 *include e an evaluation of the performance of pupils enrolled in*
6 *the school. This subsection does not apply to a postprobationary*
7 *employee who is deemed to be a probationary employee pursuant*
8 *to NRS 391.3129.*

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

17 Sec. 5. NRS 391.3127 is hereby amended to read as follows:

18 391.3127 1. Each board, following consultation with and
19 involvement of elected representatives of administrative personnel
20 or their designated representatives, shall develop an objective policy
21 for the objective evaluation of administrators in narrative form. *The*
22 *policy must provide for the evaluation of those administrators who*
23 *provide primarily administrative services at the school level and*
24 *who do not provide primarily direct instructional services to*
25 *pupils, regardless of whether such an administrator is licensed as*
26 *a teacher or administrator, including, without limitation, a*
27 *principal and a vice principal.* The policy must comply with the
28 statewide performance evaluation system established by the State
29 Board pursuant to NRS 391.465. The policy must set forth a means
30 according to which an administrator's overall performance is
31 determined to be highly effective, effective, minimally effective or
32 ineffective. ~~The~~ *Except as otherwise provided in subsection 8, the*
33 *policy must require that* ~~the information maintained pursuant to~~
34 ~~paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650~~ *pupil*
35 *achievement data, as prescribed by the State Board pursuant to*
36 *NRS 391.465,* account for at least 50 percent of the evaluation. The
37 policy may include an evaluation by the administrator,
38 superintendent, pupils or other administrators or any combination
39 thereof. A copy of the policy adopted by the board must be filed
40 with the Department and made available to the Commission.

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

43 ~~3.1~~ *The person charged with the evaluation of an*
44 *administrator pursuant to this section shall hold a conference with*



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1 *the administrator before and after each scheduled observation of*
2 *the administrator during the school year.*

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

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

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

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

16 4. *If a postprobationary administrator receives an evaluation*
17 *designating his or her overall performance as minimally effective*
18 *or ineffective, the postprobationary administrator must be*
19 *evaluated three times in the immediately succeeding school year in*
20 *accordance with the observation schedule set forth in subsection 3.*
21 *If a postprobationary administrator is evaluated three times in a*
22 *school year and he or she receives an evaluation designating his*
23 *or her overall performance as minimally effective or ineffective on*
24 *the first or second evaluation, or both evaluations, the*
25 *postprobationary administrator may request that the third*
26 *evaluation be conducted by another administrator. If a*
27 *postprobationary administrator requests that his or her third*
28 *evaluation be conducted by another administrator, that*
29 *administrator must be:*

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

33 (b) *Selected by the postprobationary administrator from a list*
34 *of three candidates submitted by the superintendent.*

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

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

42 (b) *The second scheduled observation must occur after 80 days*
43 *but within 120 days after the first day of instruction of the school*
44 *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.

~~14~~ 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.



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

2 391.3128 1. If a written evaluation of a probationary teacher ,
3 or *a* probationary administrator *who provides primarily*
4 *administrative services at the school level and who does not*
5 *provide primarily direct instructional services to pupils, regardless*
6 *of whether the probationary administrator is licensed as a teacher*
7 *or administrator, including, without limitation, a principal and*
8 *vice principal*, designates the overall performance of the teacher or
9 administrator as “minimally effective” or “ineffective”:

10 (a) The written evaluation must include the following statement:
11 “Please be advised that, pursuant to Nevada law, your contract may
12 not be renewed for the next school year. If you receive a ‘minimally
13 effective’ or ‘ineffective’ evaluation on the first or second
14 evaluation, or both evaluations for this school year, ~~and if you have~~
15 ~~another evaluation remaining this school year,~~ you may request that
16 the *third* evaluation be conducted by another administrator. You
17 may also request, to the administrator who conducted the evaluation,
18 reasonable assistance in ~~correcting the deficiencies~~ *improving*
19 *your performance based upon the recommendations* reported in
20 the evaluation for which you request assistance, and upon such
21 request, a reasonable effort will be made to assist you in ~~correcting~~
22 ~~those deficiencies.”~~ *improving your performance.”*

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

26 2. If a probationary teacher or probationary administrator *to*
27 *which subsection 1 applies* requests that his or her next evaluation
28 be conducted by another administrator in accordance with the notice
29 required by subsection 1, the administrator conducting the
30 evaluation must be:

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

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

37 3. If a probationary teacher or probationary administrator *to*
38 *which subsection 1 applies* requests assistance in correcting
39 deficiencies reported in his or her evaluation, the administrator who
40 conducted the evaluation shall ensure that a reasonable effort is
41 made to assist the probationary teacher or probationary
42 administrator in correcting those deficiencies.

43 **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.



* S B 4 0 7 R 1 *

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 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.

6. An administrator who has completed his or her probationary period pursuant to subsection 5 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 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 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.

7. 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



1 by the American Arbitration Association or its successor
2 organization.

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

4 391.450 As used in NRS 391.450 to 391.465, inclusive, *and*
5 *section 1.5 of this act*, "Council" means the Teachers and Leaders
6 Council of Nevada created by NRS 391.455.

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

8 391.460 1. The Council shall:

9 (a) Make recommendations to the State Board concerning the
10 adoption of regulations for establishing a statewide performance
11 evaluation system to ensure that teachers, ~~and~~ administrators *who*
12 *provide primarily administrative services at the school level and*
13 *who do not provide primarily direct instructional services to*
14 *pupils, regardless of whether licensed as a teacher or*
15 *administrator, including, without limitation, a principal and vice*
16 *principal, counselors, librarians and other licensed educational*
17 *personnel* employed by school districts are:

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

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

24 (3) Provided with the means to share effective educational
25 methods with other teachers, ~~and~~ administrators, *counselors,*
26 *librarians and other licensed educational personnel* throughout
27 this State.

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

32 (c) Consider the role of professional standards for teachers, ~~and~~
33 ~~administrators~~ *to which paragraph (a) applies, counselors,*
34 *librarians and other licensed educational personnel* and, as it
35 determines appropriate, develop a plan for recommending the
36 adoption of such standards by the State Board.

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

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



* S B 4 0 7 R 1 *

(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.



* S B 4 0 7 R 1 *

(f) Include 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. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

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

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

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

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

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

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

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

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

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

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

Sec. 12. On or before ~~June 1~~ **August 15**, 2013, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation



system for teachers and administrators that complies with section 7 of this act.

Sec. 14. (Deleted by amendment.)

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

Sec. 16. 1. There is hereby appropriated from the State General Fund to the Department of Education for the costs associated with the work of the Teachers and Leaders Council of Nevada created by NRS 391.455 required by the provisions of this act the following sums:

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

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

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2015, by the Department of Education or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 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 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. 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. On or before August 15, 2014, the Interim Finance Committee shall review the report submitted by the Department of



* S B 4 0 7 R 1 *

1 Education pursuant to subsection 2 and make a determination
2 whether all school districts that participated in the validation study
3 are prepared to implement the statewide performance evaluation
4 system for all of its teachers and administrators commencing with
5 the 2014-2015 school year.

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

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

16 (b) The Interim Finance Committee shall distribute not more
17 than \$1,315,000 from the appropriation made by subsection 1 to the
18 Clark County School District, the Elko County School District and
19 the Washoe County School District for use by the regional training
20 programs for the professional development of teachers and
21 administrators to implement the statewide performance evaluation
22 system.

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

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

34 (b) The Interim Finance Committee shall distribute not more
35 than \$986,250 from the appropriation made by subsection 1 to the
36 Clark County School District, the Elko County School District and
37 the Washoe County School District for use by the regional training
38 programs for the professional development of teachers and
39 administrators to implement the statewide performance evaluation
40 system.

41 6. On or before September 1, 2014, the Department of
42 Education shall provide notice to the board of trustees of each
43 school district concerning the determination made by the Interim
44 Finance Committee pursuant to subsection 3.



* S B 4 0 7 R 1 *

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. 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.



* S B 4 0 7 R 1 *

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.

4. 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 of trustees. 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.

5. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year. If a postprobationary teacher receives an unsatisfactory evaluation, the postprobationary teacher must be evaluated three times in the



* S B 4 0 7 R 1 *

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

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

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

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

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

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

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

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

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

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

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

41 7. The teacher must receive a copy of each evaluation not
42 later than 15 days after the evaluation. A copy of the evaluation and
43 the teacher's response must be permanently attached to the teacher's
44 personnel file. Upon the request of a teacher, a reasonable effort
45 must be made to assist the teacher to correct those deficiencies



1 reported in the evaluation of the teacher for which the teacher
2 requests assistance.

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

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

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

32 4. Each probationary administrator is subject to the provisions
33 of NRS 391.3128 and 391.3197.

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



1 and shall render its decision within 5 days after the hearing. The
2 decision of the board of trustees is final.

3 **Sec. 18.5.** 1. If a written evaluation of a probationary teacher
4 or probationary administrator who is employed by a school district
5 that conducts evaluations pursuant to sections 17 and 18 of this act
6 for the 2013-2014 school year or the 2014-2015 school year, or
7 both, designates the overall performance of the teacher or
8 administrator as “unsatisfactory”:

9 (a) The written evaluation must include the following statement:
10 “Please be advised that, pursuant to Nevada law, your contract may
11 not be renewed for the next school year. If you receive an
12 ‘unsatisfactory’ evaluation on the first or second evaluation, or both
13 evaluations for this school year, and if you have another evaluation
14 remaining this school year, you may request that the evaluation be
15 conducted by another administrator. You may also request, to the
16 administrator who conducted the evaluation, reasonable assistance
17 in correcting the deficiencies reported in the evaluation for which
18 you request assistance, and upon such request, a reasonable effort
19 will be made to assist you in correcting those deficiencies.”

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

23 2. If a probationary teacher or probationary administrator
24 requests that his or her next evaluation be conducted by another
25 administrator in accordance with the notice required by subsection
26 1, the administrator conducting the evaluation must be:

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

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

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

39 **Sec. 18.7.** 1. The provisions of this section apply to
40 probationary employees who are employed by a school district that
41 conducts evaluations pursuant to sections 17 and 18 of this act for
42 the 2013-2014 school year or the 2014-2015 school year, or both,
43 for each school year that the school district conducts evaluations
44 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



1 be deemed to be a probationary employee for the purposes of this
2 section and must serve a 3-year probationary period as an
3 administrator in accordance with the provisions of this section. If:

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

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

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

34 8. If a probationary employee receives notice that he or she
35 will be dismissed before the completion of the current school year,
36 the probationary employee may request an expedited hearing
37 pursuant to the Expedited Labor Arbitration Procedures established
38 by the American Arbitration Association or its successor
39 organization.

40 **Sec. 19.** 1. Except as otherwise provided by section 16.5 of
41 this act, each school district shall participate in the validation study
42 of the statewide performance evaluation system adopted by the State
43 Board of Education pursuant to NRS 391.465, as amended by
44 section 10 of this act, for the 2013-2014 school year. Except as
45 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 evaluation system pursuant to section 16.5 or 16.7 of this act, as applicable, select a representative sample of 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. The administrators selected for the validation study must provide primarily administrative services at the school level and 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 vice principal. Each school district shall participate in the validation study.

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

(a) Some evaluations of 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 sections 17 and 18 of this act, as applicable.

(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.

4. The teachers 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.

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

Sec. 20. 1. If a validation study is not conducted pursuant to section 19 of this act for the 2014-2015 school year, each



1 postprobationary teacher and administrator who is employed by a
2 school district that participated in the validation study during the
3 2013-2014 school year must be evaluated during the 2014-2015
4 school year pursuant to NRS 391.3125 or 391.3127, as amended by
5 sections 4 and 5 of this act, respectively, and must, as part of the
6 evaluation, be observed at least two times as follows:

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

9 (b) The second observation must occur after 80 days but within
10 120 days after the first day of instruction of the school year.

11 2. For the 2015-2016 school year and each school year
12 thereafter, each postprobationary teacher and administrator who is
13 evaluated pursuant to NRS 391.3125 or 391.3127, as amended by
14 sections 4 and 5 of this act, respectively, must, as part of the
15 evaluation, be observed in accordance with the observation schedule
16 set forth in NRS 391.3125 or 391.3127, as applicable, based upon
17 the designation of the overall performance of the employee for the
18 2014-2015 school year.

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

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

29 (b) The second observation must occur after 80 days but within
30 120 days after the first day of instruction of the school year.

31 2. For the 2016-2017 school year and each school year
32 thereafter, each postprobationary teacher and administrator who is
33 evaluated pursuant to NRS 391.3125 or 391.3127, as amended by
34 sections 4 and 5 of this act, respectively, must, as part of the
35 evaluation, be observed in accordance with the observation schedule
36 set forth in NRS 391.3125 or 391.3127, as applicable, based upon
37 the designation of the overall performance of the employee for the
38 2015-2016 school year.

39 **Sec. 21.** 1. On or before August 1, 2014, the Department of
40 Education shall, in consultation with the boards of trustees of the 17
41 school districts, select a representative sample of counselors,
42 librarians and other licensed educational personnel, except for
43 teachers and administrators, for a validation study of the statewide
44 performance evaluation system adopted by the State Board of



* S B 4 0 7 R 1 *

1 Education pursuant to NRS 391.465, as amended by section 10 of
2 this act. Each school district shall participate in the validation study.

3 2. For the 2014-2015 school year:

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

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

15 3. The counselors, librarians and other licensed educational
16 personnel who are selected for the validation study must be
17 evaluated in accordance with section 17 of this act and in
18 accordance with the policy for evaluations set forth in NRS
19 391.3125, as amended by section 4 of this act.

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

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

28 2. Sections 1 to 15, inclusive, and 16.3 to 22, inclusive, of this
29 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.



* S B 4 0 7 R 1 *

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.

