

ASSEMBLY BILL NO. 269—ASSEMBLYMEN BRITTNEY MILLER, LA RUE HATCH, ANDERSON; COHEN, CONSIDINE, D’SILVA, GONZÁLEZ, SUMMERS-ARMSTRONG AND TORRES

MARCH 8, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing education. (BDR 34-123)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ***fomitted-material*** is material to be omitted.

AN ACT relating to education; revising provisions governing performance evaluations of certain postprobationary teachers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the State Board of Education to adopt regulations establishing a statewide performance evaluation system for evaluating the performance of certain employees. (NRS 391.465) Existing law requires each postprobationary teacher who receives an evaluation designating his or her overall performance as effective to receive one evaluation in the immediately succeeding school year. Existing law requires a postprobationary teacher who receives an evaluation designating his or her overall performance as highly effective for 2 consecutive school years to participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as highly effective but does not require such a teacher to receive an evaluation for that year. (NRS 391.690)

This bill authorizes a postprobationary teacher who receives an evaluation designating his or her overall performance as effective or highly effective for 2 consecutive evaluations to request to participate in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her overall performance as effective or highly effective and to receive, upon request, one evaluation based in part on that observation cycle, but does not require the teacher to receive an evaluation for that year. This bill requires a postprobationary teacher to receive an evaluation in the second school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her overall performance as effective or highly



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effective. This bill prohibits an administrator from threatening, intimidating, coercing, compelling or otherwise requiring a postprobationary teacher to request or not request to participate in an observation or receive an evaluation.

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

**Section 1.** NRS 391.690 is hereby amended to read as follows:

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observation cycles during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary teacher may request that the third observation cycle be conducted by another administrator. If a postprobationary teacher requests that his or her third observation cycle be conducted by another administrator, that administrator must be:

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

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

2. ~~HH~~ *Except as otherwise provided in subsection 3, if* a postprobationary teacher receives an evaluation designating his or her overall performance as effective ~~H~~ *or highly effective*, the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.

3. If a postprobationary teacher receives an evaluation designating his or her overall performance as *effective or* highly effective for 2 consecutive ~~{school—years,}~~ *evaluations*, the postprobationary teacher : ~~{must:}~~

(a) ~~{Participate}~~ *May request to participate* in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as *effective or* highly effective . ~~{;—and}~~ *If a postprobationary teacher requests to*



*participate in an observation cycle pursuant to this paragraph, the postprobationary teacher may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph only upon the request of the postprobationary teacher; and*

(b) ~~Receive~~ *Must receive* one evaluation in the *second* school year immediately following the school year in which the postprobationary teacher ~~participated in the observation cycle pursuant to paragraph (a).~~ *receives a second consecutive evaluation designating his or her performance as effective or highly effective.* The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year.

*4. An administrator may not, directly or indirectly, threaten, intimidate, coerce, compel or otherwise require a postprobationary teacher to request or not to request to participate in an observation cycle or receive an evaluation pursuant to paragraph (a) of subsection 3 or perform such an observation cycle or evaluation without the consent of a postprobationary teacher.*

**Sec. 2.** This act becomes effective on July 1, 2023.

