

(Reprinted with amendments adopted on April 8, 2011)

FIRST REPRINT

A.B. 222

ASSEMBLY BILL NO. 222—ASSEMBLYMEN SMITH, BOBZIEN, OCEGUERA, CONKLIN, ANDERSON; ATKINSON, BENITEZ-THOMPSON, CARRILLO, DALY, DONDERO LOOP, FRIERSON, HANSEN, HICKEY, HOGAN, HORNE, KIRNER, MASTROLUCA, SEGERBLOM AND STEWART

MARCH 1, 2011

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JOINT SPONSORS: SENATORS HORSFORD AND LESLIE

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Referred to Concurrent Committees on  
Education and Ways and Means

SUMMARY—Creates the Teachers and Leaders Council of Nevada. (BDR 34-873)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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

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AN ACT relating to education; creating the Teachers and Leaders Council of Nevada; prescribing the membership and duties of the Council; requiring the State Board of Education to establish a statewide performance evaluation system for teachers and administrators; revising provisions governing the policies for the evaluation of teachers and administrators; revising the designations required of the evaluations of teachers and administrators; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

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

6 Existing law requires the automated system of accountability information for  
7 Nevada to track the achievement of pupils over time and to identify which teachers  
8 and paraprofessionals are assigned to individual pupils. The information is required  
9 to be considered, but must not be the sole criterion, in evaluating the performance



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10 of or taking disciplinary action against an individual teacher, paraprofessional or  
11 other employee. (NRS 386.650) Existing law also requires the board of trustees of  
12 each school district to develop a policy for the evaluation of teachers and  
13 administrators pursuant to which the performance of an individual teacher or  
14 administrator is designated as "satisfactory" or "unsatisfactory." (NRS 391.3125,  
15 391.3127) **Section 7** of this bill requires the State Board of Education, based upon  
16 the recommendations of the Council, to establish a statewide performance  
17 evaluation system for teachers and administrators employed by school districts.  
18 Effective July 1, 2013, the statewide performance evaluation system will require  
19 the evaluation of an individual teacher or administrator as "highly effective,"  
20 "effective," "minimally effective" or "ineffective." Also effective July 1, 2013,  
21 **section 2** of this bill requires that certain information on pupil achievement which  
22 is maintained by the automated system of accountability information for Nevada  
23 account for 50 percent of the evaluations of teachers and administrators. **Sections**  
24 **8.5 and 9.5** of this bill require the policies for the evaluations of teachers and  
25 administrators employed by school districts to comply with the statewide  
26 performance evaluation system established by the State Board.

27 Until the implementation of the statewide performance evaluation system,  
28 **sections 8 and 9** of this bill provide that the policies for the evaluations of teachers  
29 and administrators employed by school districts must require that certain  
30 information on pupil achievement which is maintained by the automated system of  
31 accountability information for Nevada account for a significant portion of the  
32 evaluation, as determined by the board of trustees.

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

- 1 **Section 1.** (Deleted by amendment.)  
2 **Sec. 2.** NRS 386.650 is hereby amended to read as follows:  
3 386.650 1. The Department shall establish and maintain an  
4 automated system of accountability information for Nevada. The  
5 system must:  
6 (a) Have the capacity to provide and report information,  
7 including, without limitation, the results of the achievement of  
8 pupils:  
9 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and  
10 the regulations adopted pursuant thereto, and NRS 385.3469 and  
11 385.347; and  
12 (2) In a separate reporting for each group of pupils identified  
13 in paragraph (b) of subsection 1 of NRS 385.361;  
14 (b) Include a system of unique identification for each pupil:  
15 (1) To ensure that individual pupils may be tracked over time  
16 throughout this State; and  
17 (2) That, to the extent practicable, may be used for purposes  
18 of identifying a pupil for both the public schools and the Nevada  
19 System of Higher Education, if that pupil enrolls in the System after  
20 graduation from high school;



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

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

8 (e) Have the capacity to identify which teachers are assigned to  
9 individual pupils and which paraprofessionals, if any, are assigned  
10 to provide services to individual pupils;

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

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

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

26 ↪ The information maintained pursuant to paragraphs (c), (d) and  
27 (e) must be used for the purpose of improving the achievement of  
28 pupils and improving classroom instruction. The information must  
29 ~~be considered,~~ **account for 50 percent**, but must not be used as the  
30 sole criterion, in evaluating the performance of or taking  
31 disciplinary action against an individual teacher, paraprofessional or  
32 other employee.

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

34 (a) Adopt and maintain the program prescribed by the  
35 Superintendent of Public Instruction pursuant to subsection 3 for the  
36 collection, maintenance and transfer of data from the records of  
37 individual pupils to the automated system of information, including,  
38 without limitation, the development of plans for the educational  
39 technology which is necessary to adopt and maintain the program;

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

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

45 3. The Superintendent of Public Instruction shall:



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

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

8 (c) Prescribe the format for the data;

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

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

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

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

18 (1) Individual pupils;

19 (2) Individual teachers and paraprofessionals;

20 (3) Individual schools and school districts; and

21 (4) Programs and financial information;

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

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

30 4. The Department shall establish, to the extent authorized by  
31 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §  
32 1232g, and any regulations adopted pursuant thereto, a mechanism  
33 by which persons or entities, including, without limitation, state  
34 officers who are members of the Executive or Legislative Branch,  
35 administrators of public schools and school districts, teachers and  
36 other educational personnel, and parents and guardians, will have  
37 different types of access to the accountability information contained  
38 within the automated system to the extent that such information is  
39 necessary for the performance of a duty or to the extent that such  
40 information may be made available to the general public without  
41 posing a threat to the confidentiality of an individual pupil.

42 5. The Department may, to the extent authorized by the Family  
43 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g,  
44 and any regulations adopted pursuant thereto, enter into an  
45 agreement with the Nevada System of Higher Education to provide



1 access to data contained within the automated system for research  
2 purposes.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

33       **Sec. 6. 1. The Council shall:**

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

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

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



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

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

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

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

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

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

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

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

28           **Sec. 7. 1.** *The State Board shall, based upon the*  
29 *recommendations of the Teachers and Leaders Council of Nevada*  
30 *submitted pursuant to section 6 of this act, adopt regulations*  
31 *establishing a statewide performance evaluation system which*  
32 *incorporates multiple measures of an employee's performance.*

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

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

36           (1) *Highly effective;*

37           (2) *Effective;*

38           (3) *Minimally effective; or*

39           (4) *Ineffective.*

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

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



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

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

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

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

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

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

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

40 4. Whenever an administrator charged with the evaluation of a  
41 probationary employee believes the employee will not be  
42 reemployed for the second year of the probationary period or the  
43 school year following the probationary period, the administrator  
44 shall bring the matter to the employee's attention in a written  
45 document which is separate from the evaluation not later than





1 March 1 of the current school year. The notice must include the  
2 reasons for the potential decision not to reemploy or refer to the  
3 evaluation in which the reasons are stated. Such a notice is not  
4 required if the probationary employee has received a letter of  
5 admonition during the current school year.

6 5. Each postprobationary teacher must be evaluated at least  
7 once each year. An administrator charged with the evaluation of a  
8 postprobationary teacher shall personally observe the performance  
9 of the teacher in the classroom for not less than a cumulative total of  
10 60 minutes during each evaluation period, with at least one  
11 observation during that 60-minute evaluation period consisting of at  
12 least 30 consecutive minutes.

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

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

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

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

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

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

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

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

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

42 **Sec. 8.5.** NRS 391.3125 is hereby amended to read as follows:

43 391.3125 1. It is the intent of the Legislature that a uniform  
44 system be developed for objective evaluation of teachers and other  
45 licensed personnel in each school district.



1        2. Each board, following consultation with and involvement of  
2 elected representatives of the teachers or their designees, shall  
3 develop a policy for objective evaluations in narrative form. The  
4 policy must ~~[set forth a means according to which an employee's~~  
5 ~~overall performance may be determined to be satisfactory or~~  
6 ~~unsatisfactory. The policy must require that the information~~  
7 ~~maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of~~  
8 ~~NRS 386.650 account for a significant portion of the evaluation, as~~  
9 ~~determined by the board.]~~ *comply with the statewide performance*  
10 *evaluation system established by the State Board pursuant to*  
11 *section 7 of this act.* The policy may include an evaluation by the  
12 teacher, pupils, administrators or other teachers or any combination  
13 thereof. In a similar manner, counselors, librarians and other  
14 licensed personnel must be evaluated on forms developed  
15 specifically for their respective specialties. A copy of the policy  
16 adopted by the board must be filed with the Department. The  
17 primary purpose of an evaluation is to provide a format for  
18 constructive assistance. Evaluations, while not the sole criterion,  
19 must be used in the dismissal process.

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

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

25        ↪ of each school year of the probationary period, except that a  
26 probationary employee assigned to a school that operates all year  
27 must be evaluated at least three times during each 12 months of  
28 employment on a schedule determined by the board. An  
29 administrator charged with the evaluation of a probationary teacher  
30 shall personally observe the performance of the teacher in the  
31 classroom for not less than a cumulative total of 60 minutes during  
32 each evaluation period, with at least one observation during that  
33 60-minute evaluation period consisting of at least 45 consecutive  
34 minutes.

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



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

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

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

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

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

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

23 (e) *An evaluation of whether the teacher employs practices  
24 and strategies to involve and engage the parents and families of  
25 pupils in the classroom;*

26 (f) If necessary, recommendations for improvements in the  
27 performance of the teacher;

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

31 ~~(g)~~ (h) A statement by the administrator who evaluated the  
32 teacher indicating the amount of time that the administrator  
33 personally observed the performance of the teacher in the  
34 classroom.

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

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

43 391.3127 1. Each board, following consultation with and  
44 involvement of elected representatives of administrative personnel  
45 or their designated representatives, shall develop an objective policy



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

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

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

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

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

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



1 3. Before a superintendent transfers or assigns an administrator  
2 to another administrative position as part of an administrative  
3 reorganization, if the transfer or reassignment is to a position of  
4 lower rank, responsibility or pay, the superintendent shall give  
5 written notice of the proposed transfer or assignment to the  
6 administrator at least 30 days before the date on which it is to be  
7 effective. The administrator may appeal the decision of the  
8 superintendent to the board by requesting a hearing in writing to the  
9 president of the board within 5 days after receiving the notice from  
10 the superintendent. The board shall hear the matter within 10 days  
11 after the president receives the request, and shall render its decision  
12 within 5 days after the hearing. The decision of the board is final.

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

14 391.3197 1. A probationary employee is employed on a  
15 contract basis for two 1-year periods and has no right to  
16 employment after either of the two probationary contract years.

17 2. The board shall notify each probationary employee in  
18 writing on or before May 1 of the first and second school years of  
19 the employee's probationary period, as appropriate, whether the  
20 employee is to be reemployed for the second year of the  
21 probationary period or for the next school year as a postprobationary  
22 employee. The employee must advise the board in writing on or  
23 before May 10 of the first or second year of the employee's  
24 probationary period, as appropriate, of the employee's acceptance of  
25 reemployment. If a probationary employee is assigned to a school  
26 that operates all year, the board shall notify the employee in writing,  
27 in both the first and second years of the employee's probationary  
28 period, no later than 45 days before his or her last day of work for  
29 the year under his or her contract whether the employee is to be  
30 reemployed for the second year of the probationary period or for the  
31 next school year as a postprobationary employee. The employee  
32 must advise the board in writing within 10 days after the date of  
33 notification of his or her acceptance or rejection of reemployment  
34 for another year. Failure to advise the board of the employee's  
35 acceptance of reemployment constitutes rejection of the contract.

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

41 4. If a probationary employee receives notice pursuant to  
42 subsection 4 of NRS 391.3125 not later than March 1 of a potential  
43 decision not to reemploy him or her, the employee may request a  
44 supplemental evaluation by another administrator in the school  
45 district selected by the employee and the superintendent. If a school



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1 district has five or fewer administrators, the supplemental evaluator  
2 may be an administrator from another school district in this State. If  
3 a probationary employee has received during the first school year of  
4 the employee's probationary period three evaluations which state  
5 that the employee's overall performance has been [~~satisfactory,~~  
6 *highly effective or effective*, the superintendent of schools of the  
7 school district or the superintendent's designee shall waive the  
8 second year of the employee's probationary period by expressly  
9 providing in writing on the final evaluation of the employee for the  
10 first probationary year that the second year of the employee's  
11 probationary period is waived. Such an employee is entitled to be a  
12 postprobationary employee in the ensuing year of employment.

13 5. If a probationary employee is notified that the employee will  
14 not be reemployed for the second year of the employee's  
15 probationary period or the ensuing school year, his or her  
16 employment ends on the last day of the current school year. The  
17 notice that the employee will not be reemployed must include a  
18 statement of the reasons for that decision.

19 6. A new employee or a postprobationary teacher who is  
20 employed as an administrator shall be deemed to be a probationary  
21 employee for the purposes of this section and must serve a 2-year  
22 probationary period as an administrator in accordance with the  
23 provisions of this section. If the administrator does not receive an  
24 [~~unsatisfactory~~] evaluation *indicating that his or her performance*  
25 *is minimally effective or ineffective* during the first year of  
26 probation, the superintendent or the superintendent's designee shall  
27 waive the second year of the administrator's probationary period.  
28 Such an administrator is entitled to be a postprobationary employee  
29 in the ensuing year of employment. If:

30 (a) A postprobationary teacher who is an administrator is not  
31 reemployed as an administrator after either year of his or her  
32 probationary period; and

33 (b) There is a position as a teacher available for the ensuing  
34 school year in the school district in which the person is employed,  
35 ➤ the board of trustees of the school district shall, on or before  
36 May 1, offer the person a contract as a teacher for the ensuing  
37 school year. The person may accept the contract in writing on or  
38 before May 10. If the person fails to accept the contract as a teacher,  
39 the person shall be deemed to have rejected the offer of a contract as  
40 a teacher.

41 7. An administrator who has completed his or her probationary  
42 period pursuant to subsection 6 and is thereafter promoted to the  
43 position of principal must serve an additional probationary period of  
44 1 year in the position of principal. If the administrator serving the  
45 additional probationary period is not reemployed as a principal after



1 the expiration of the additional probationary period, the board of  
2 trustees of the school district in which the person is employed shall,  
3 on or before May 1, offer the person a contract for the ensuing  
4 school year for the administrative position in which the person  
5 attained postprobationary status. The person may accept the contract  
6 in writing on or before May 10. If the person fails to accept such a  
7 contract, the person shall be deemed to have rejected the offer of  
8 employment.

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

12 **Sec. 11.** The Teachers and Leaders Council of Nevada created  
13 by section 5 of this act shall, not later than June 1, 2012, submit to  
14 the State Board of Education the recommendations of the Council  
15 for the adoption of regulations establishing a statewide performance  
16 evaluation system for teachers and administrators pursuant to  
17 section 7 of this act.

18 **Sec. 12.** On or before June 1, 2013, the State Board of  
19 Education shall, based upon the recommendations of the Teachers  
20 and Leaders Council of Nevada submitted pursuant to section 6 of  
21 this act, adopt regulations establishing a statewide performance  
22 evaluation system for teachers and administrators that complies with  
23 section 7 of this act.

24 **Sec. 13.** Each school district in this State shall, not later than  
25 the 2013-2014 school year, implement a performance evaluation  
26 policy for teachers and administrators that complies with the  
27 statewide performance evaluation system established by the State  
28 Board of Education pursuant to section 7 of this act.

29 **Sec. 14.** The appointed members of the Teachers and Leaders  
30 Council of Nevada created by section 5 of this act must be  
31 appointed to initial terms as follows:

32 1. The Governor shall appoint to the Council the members  
33 described in:

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

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

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

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

43 **Sec. 15.** 1. This section and sections 3 to 8, inclusive, 9 and  
44 11 to 14, inclusive, of this act become effective on July 1, 2011.



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

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