

ASSEMBLY BILL NO. 269—ASSEMBLYMEN BRITNEY 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.

~

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 performance evaluations of certain postprobationary teachers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

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

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



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

---

---

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

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

2 391.690 1. If a postprobationary teacher receives an  
3 evaluation designating his or her overall performance as developing  
4 or ineffective, the postprobationary teacher must receive one  
5 evaluation in the immediately succeeding school year which is  
6 based in part upon three observation cycles which must occur in  
7 accordance with the observation schedule set forth in subsection 1  
8 of NRS 391.685. If a postprobationary teacher receives evidence  
9 from the first two observation cycles during the school year  
10 indicating that, unless his or her performance improves, his or her  
11 overall performance may be rated as developing or ineffective on  
12 the evaluation, the postprobationary teacher may request that the  
13 third observation cycle be conducted by another administrator. If a  
14 postprobationary teacher requests that his or her third observation  
15 cycle be conducted by another administrator, that administrator must  
16 be:

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

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

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

30 3. If a postprobationary teacher receives an evaluation  
31 designating his or her overall performance as *effective or* highly  
32 effective for 2 consecutive ~~[school—years,]~~ *evaluations*, the  
33 postprobationary teacher : ~~[must:]~~

34 (a) ~~[Participate]~~ *May request to participate* in one observation  
35 cycle in the school year immediately following the school year in  
36 which the postprobationary teacher receives a second consecutive  
37 evaluation designating his or her performance as *effective or* highly  
38 effective . ~~[-and]~~ *If a postprobationary teacher requests to*



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

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

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

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



