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ASSEMBLY BILL NO. 555—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE GOVERNOR)

MARCH 28, 2011

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Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing educational personnel.  
(BDR 34-954)

FISCAL NOTE: Effect on Local Government: No.  
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 educational personnel; requiring the State Board of Education to establish a four-tiered performance evaluation system for teachers and administrators; requiring the Commission on Professional Standards in Education to submit recommendations to the State Board concerning the performance evaluation system; eliminating the status of probationary and postprobationary teachers and administrators; providing that each licensed employee of a school district is employed on a 1-year contract basis with no right to reemployment; revising the designations required of evaluations of teachers and administrators; requiring the board of trustees of a school district to base its decisions relating to the reduction in workforce and the salary, wage rates and other forms of compensation for teachers on certain factors; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires the automated system of accountability information for  
2 Nevada to track the achievement of pupils over time and to identify which teachers  
3 are assigned to individual pupils. The information is required to be considered, but  
4 must not be the sole criterion, in evaluating the performance of or taking  
5 disciplinary action against an individual teacher, paraprofessional or other  
6 employee. (NRS 386.650) Existing law also requires the board of trustees of each  
7 school district to develop a policy for the evaluation of teachers and administrators



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8 pursuant to which the performance of an individual teacher or administrator is  
9 designated as "satisfactory" or "unsatisfactory." (NRS 391.3125, 391.3127)  
10 **Section 4** of this bill requires the State Board of Education to adopt regulations  
11 establishing a performance evaluation system for teachers and administrators  
12 employed by school districts and charter schools. Effective July 1, 2012, the  
13 performance evaluation system will require the evaluation of an individual teacher  
14 or administrator as "highly effective," "effective," "minimally effective" or  
15 "ineffective." Also effective July 1, 2012, **section 3** of this bill requires that certain  
16 information on pupil achievement which is maintained by the automated system of  
17 accountability information for Nevada account for at least 50 percent of the  
18 evaluation of teachers and administrators. **Sections 2, 6 and 7** of this bill require  
19 that the policies for the evaluations of teachers and administrators employed by  
20 school districts and charter schools comply with the performance evaluation system  
21 established by the State Board. **Section 6** also provides that a licensed employee  
22 who has been employed by the school district for 3 years or less must be evaluated  
23 in writing at least three times each school year and a licensed employee who has  
24 been employed for more than 3 years must be evaluated in writing at least once  
25 each year.

26 Existing law sets forth certain rights and responsibilities relating to the  
27 employment of probationary and postprobationary teachers and administrators.  
28 (NRS 391.3196-391.3197) Existing law also provides that a probationary employee  
29 serves two 1-year periods as a probationary employee. If the employee receives  
30 satisfactory evaluations in the first probationary year, the second probationary year  
31 must be waived and the person is entitled to postprobationary employment with the  
32 school district. (NRS 391.3197) **Section 12** of this bill provides that commencing  
33 on July 1, 2012, each licensed employee of the school district is employed on a  
34 contract basis for a 1-year period and has no right to reemployment. **Section 22** of  
35 this bill repeals provisions governing postprobationary employees.

36 **Section 15** of this bill requires that the board of trustees of a school district  
37 which determines a reduction in the existing workforce of teachers in the school  
38 district is necessary must base the decision to lay off a teacher on the effectiveness  
39 of that teacher to improve the academic achievement of pupils and on the  
40 evaluations of the teacher and must not base the decision upon the seniority of that  
41 teacher.

42 **Section 16** of this bill prohibits the board of trustees of a school district from  
43 increasing the salary or wage rate or other compensation of a teacher based upon  
44 his or her years of service or his or her receipt of a master's degree or doctoral  
45 degree.

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

1 **Section 1.** NRS 386.365 is hereby amended to read as follows:  
2 386.365 1. Except as provided in subsection 3, each board of  
3 trustees in any county having a population of 100,000 or more shall  
4 give 15 days' notice of its intention to adopt, repeal or amend a  
5 policy or regulation of the board concerning any of the subjects set  
6 forth in subsection 4. The notice must:  
7 (a) Include a description of the subject or subjects involved and  
8 must state the time and place of the meeting at which the matter will  
9 be considered by the board; and



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

- 3 (1) The principal;  
4 (2) The president of the parent-teacher association or similar  
5 body; and  
6 (3) The president of the classroom teachers' organization or  
7 other collective bargaining agent.

8 ➔ A copy of the notice and of the terms of each proposed policy or  
9 regulation, or change in a policy or regulation, must be made  
10 available for inspection by the public in the office of the  
11 superintendent of schools of the school district at least 15 days  
12 before its adoption.

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

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

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

- 21 (a) Attendance rules;  
22 (b) Zoning;  
23 (c) Grading;  
24 (d) District staffing patterns;  
25 (e) Curriculum and program;  
26 (f) Pupil discipline; and  
27 (g) Personnel . [~~except with respect to dismissals and refusals~~

28 ~~to reemploy covered by contracts entered into as a result of the~~  
29 ~~Local Government Employee Management Relations Act, as~~  
30 ~~provided in NRS 391.3116.]~~

31 **Sec. 2.** NRS 386.520 is hereby amended to read as follows:

32 386.520 1. A committee to form a charter school must  
33 consist of at least three teachers, as defined in subsection 4. In  
34 addition to the teachers who serve, the committee may consist of:

- 35 (a) Members of the general public;  
36 (b) Representatives of nonprofit organizations and businesses;  
37 or

38 (c) Representatives of a college or university within the Nevada  
39 System of Higher Education.

40 ➔ A majority of the persons described in paragraphs (a), (b) and (c)  
41 who serve on the committee must be residents of this State at the  
42 time that the application to form the charter school is submitted to  
43 the Department.

44 2. Before a committee to form a charter school may submit an  
45 application to the board of trustees of a school district, the



- 1 Subcommittee on Charter Schools, the State Board or a college or  
2 university within the Nevada System of Higher Education, it must  
3 submit the application to the Department. The application must  
4 include all information prescribed by the Department by regulation  
5 and:
- 6 (a) A written description of how the charter school will carry out  
7 the provisions of NRS 386.500 to 386.610, inclusive.
  - 8 (b) A written description of the mission and goals for the charter  
9 school. A charter school must have as its stated purpose at least one  
10 of the following goals:
    - 11 (1) Improving the opportunities for pupils to learn;
    - 12 (2) Encouraging the use of effective methods of teaching;
    - 13 (3) Providing an accurate measurement of the educational  
14 achievement of pupils;
    - 15 (4) Establishing accountability of public schools;
    - 16 (5) Providing a method for public schools to measure  
17 achievement based upon the performance of the schools; or
    - 18 (6) Creating new professional opportunities for teachers.
  - 19 (c) The projected enrollment of pupils in the charter school.
  - 20 (d) The proposed dates of enrollment for the charter school.
  - 21 (e) The proposed system of governance for the charter school,  
22 including, without limitation, the number of persons who will  
23 govern, the method of selecting the persons who will govern and the  
24 term of office for each person.
  - 25 (f) The method by which disputes will be resolved between the  
26 governing body of the charter school and the sponsor of the charter  
27 school.
  - 28 (g) The proposed curriculum for the charter school and, if  
29 applicable to the grade level of pupils who are enrolled in the  
30 charter school, the requirements for the pupils to receive a high  
31 school diploma, including, without limitation, whether those pupils  
32 will satisfy the requirements of the school district in which the  
33 charter school is located for receipt of a high school diploma.
  - 34 (h) The textbooks that will be used at the charter school.
  - 35 (i) The qualifications of the persons who will provide instruction  
36 at the charter school.
  - 37 (j) Except as otherwise required by NRS 386.595, the process by  
38 which the governing body of the charter school will negotiate  
39 employment contracts with the employees of the charter school.
  - 40 (k) A financial plan for the operation of the charter school. The  
41 plan must include, without limitation, procedures for the audit of the  
42 programs and finances of the charter school and guidelines for  
43 determining the financial liability if the charter school is  
44 unsuccessful.



1 (l) A statement of whether the charter school will provide for the  
2 transportation of pupils to and from the charter school. If the charter  
3 school will provide transportation, the application must include the  
4 proposed plan for the transportation of pupils. If the charter school  
5 will not provide transportation, the application must include a  
6 statement that the charter school will work with the parents and  
7 guardians of pupils enrolled in the charter school to develop a plan  
8 for transportation to ensure that pupils have access to transportation  
9 to and from the charter school.

10 (m) The procedure for the evaluation of teachers *and*  
11 *administrators* of the charter school, ~~[if different from the procedure~~  
12 ~~prescribed in NRS 391.3125. If the procedure is different from the~~  
13 ~~procedure prescribed in NRS 391.3125, the] *which must comply*  
14 *with the performance evaluation system for teachers and*  
15 *administrators established by the State Board pursuant to section*  
16 *4 of this act. The* procedure for the evaluation of teachers of the  
17 charter school must provide the same level of protection and  
18 otherwise comply with the standards for evaluation set forth in NRS  
19 391.3125 ~~[ ]~~ *and 391.3127 and section 4 of this act.*~~

20 (n) The time by which certain academic or educational results  
21 will be achieved.

22 (o) The kind of school, as defined in subsections 1 to 4,  
23 inclusive, of NRS 388.020, for which the charter school intends to  
24 operate.

25 (p) A statement of whether the charter school will enroll pupils  
26 who are in a particular category of at-risk pupils before enrolling  
27 other children who are eligible to attend the charter school pursuant  
28 to NRS 386.580 and the method for determining eligibility for  
29 enrollment in each such category of at-risk pupils served by the  
30 charter school.

31 3. The Department shall review an application to form a charter  
32 school to determine whether it is complete. If an application  
33 proposes to convert an existing public school, homeschool or other  
34 program of home study into a charter school, the Department shall  
35 deny the application. The Department shall provide written notice to  
36 the applicant of its approval or denial of the application. If the  
37 Department denies an application, the Department shall include in  
38 the written notice the reason for the denial and the deficiencies in  
39 the application. The applicant must be granted 30 days after receipt  
40 of the written notice to correct any deficiencies identified in the  
41 written notice and resubmit the application.

42 4. As used in subsection 1, "teacher" means a person who:

43 (a) Holds a current license to teach issued pursuant to chapter  
44 391 of NRS; and

45 (b) Has at least 2 years of experience as an employed teacher.



1 ↪ The term does not include a person who is employed as a  
2 substitute teacher.

3 **Sec. 3.** NRS 386.650 is hereby amended to read as follows:

4 386.650 1. The Department shall establish and maintain an  
5 automated system of accountability information for Nevada. The  
6 system must:

7 (a) Have the capacity to provide and report information,  
8 including, without limitation, the results of the achievement of  
9 pupils:

10 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and  
11 the regulations adopted pursuant thereto, and NRS 385.3469 and  
12 385.347; and

13 (2) In a separate reporting for each group of pupils identified  
14 in paragraph (b) of subsection 1 of NRS 385.361;

15 (b) Include a system of unique identification for each pupil:

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

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

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

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

29 (e) Have the capacity to identify which teachers are assigned to  
30 individual pupils and which paraprofessionals, if any, are assigned  
31 to provide services to individual pupils;

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

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

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



1 enrolled in the public schools, including, without limitation, charter  
2 schools.

3 ➔ The information maintained pursuant to paragraphs (c), (d) and  
4 (e) must be used for the purpose of improving the achievement of  
5 pupils and improving classroom instruction. The information must  
6 ~~be considered,~~ **account for at least 50 percent of,** but must not be  
7 used as the sole criterion ~~[-]~~ in evaluating the performance of or  
8 taking disciplinary action against an individual teacher,  
9 paraprofessional or other employee.

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

11 (a) Adopt and maintain the program prescribed by the  
12 Superintendent of Public Instruction pursuant to subsection 3 for the  
13 collection, maintenance and transfer of data from the records of  
14 individual pupils to the automated system of information, including,  
15 without limitation, the development of plans for the educational  
16 technology which is necessary to adopt and maintain the program;

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

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

22 3. The Superintendent of Public Instruction shall:

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

26 (b) Prescribe the data to be collected and reported to the  
27 Department by each school district and each sponsor of a charter  
28 school pursuant to subsection 2 and by each university school for  
29 profoundly gifted pupils;

30 (c) Prescribe the format for the data;

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

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

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

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

40 (1) Individual pupils;

41 (2) Individual teachers and paraprofessionals;

42 (3) Individual schools and school districts; and

43 (4) Programs and financial information;

44 (h) Provide technical assistance to each school district to ensure  
45 that the data from each public school in the school district,



1 including, without limitation, each charter school and university  
2 school for profoundly gifted pupils located within the school  
3 district, is compatible with the automated system of information and  
4 comparable to the data reported by other school districts; and

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

7 4. The Department shall establish, to the extent authorized by  
8 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §  
9 1232g, and any regulations adopted pursuant thereto, a mechanism  
10 by which persons or entities, including, without limitation, state  
11 officers who are members of the Executive or Legislative Branch,  
12 administrators of public schools and school districts, teachers and  
13 other educational personnel, and parents and guardians, will have  
14 different types of access to the accountability information contained  
15 within the automated system to the extent that such information is  
16 necessary for the performance of a duty or to the extent that such  
17 information may be made available to the general public without  
18 posing a threat to the confidentiality of an individual pupil.

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

25 **Sec. 4.** Chapter 391 of NRS is hereby amended by adding  
26 thereto a new section to read as follows:

27 *1. The State Board shall, based upon the recommendations of*  
28 *the Commission pursuant to subsection 2, adopt regulations*  
29 *establishing a performance evaluation system for teachers and*  
30 *administrators which incorporates multiple measures of an*  
31 *employee's performance and which:*

32 *(a) Requires that an employee's overall performance is*  
33 *determined to be:*

- 34 *(1) Highly effective;*  
35 *(2) Effective;*  
36 *(3) Minimally effective; or*  
37 *(4) Ineffective.*

38 *(b) Includes the criteria for making each designation identified*  
39 *in paragraph (a).*

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

43 *(d) Ensures that a teacher or administrator is afforded a*  
44 *meaningful opportunity to improve his or her effectiveness*  
45 *through professional development that is linked to the evaluation.*





1        ***2. The Commission shall make recommendations to the State***  
2 ***Board concerning the performance evaluation system.***

3        **Sec. 5.** NRS 391.311 is hereby amended to read as follows:

4        391.311 As used in NRS 391.311 to 391.3197, inclusive,  
5 unless the context otherwise requires:

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

9        2. "Board" means the board of trustees of the school district in  
10 which a licensed employee affected by NRS 391.311 to 391.3197,  
11 inclusive, is employed.

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

16        4. "Immorality" means:

17        (a) An act forbidden by NRS 200.366, 200.368, 200.400,  
18 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265,  
19 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337,  
20 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

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

25        5. ~~["Postprobationary employee" means an administrator or a~~  
26 ~~teacher who has completed the probationary period as provided in~~  
27 ~~NRS 391.3197 and has been given notice of reemployment.~~

28 ~~—6. "Probationary employee" means an administrator or a~~  
29 ~~teacher who is employed for the period set forth in NRS 391.3197.~~

30 ~~—7.] "Superintendent" means the superintendent of a school~~  
31 ~~district or a person designated by the board or superintendent to act~~  
32 ~~as superintendent during the absence of the superintendent.~~

33 ~~[8.]~~ 6. "Teacher" means a licensed employee the majority of  
34 whose working time is devoted to the rendering of direct  
35 educational service to pupils of a school district.

36        **Sec. 6.** NRS 391.3125 is hereby amended to read as follows:

37        391.3125 1. It is the intent of the Legislature that a uniform  
38 system be developed for objective evaluation of teachers and other  
39 licensed personnel in each school district.

40        2. Each board, following consultation with and involvement of  
41 elected representatives of the teachers or their designees, shall  
42 develop a policy for objective evaluations in narrative form. The  
43 policy must ~~[set forth a means according to which an employee's~~  
44 ~~overall performance may be determined to be satisfactory or~~  
45 ~~unsatisfactory.] ***comply with the performance evaluation system***~~



1 *established by the State Board pursuant to section 4 of this act.*

2 The policy may include an evaluation by the teacher, pupils,  
3 administrators or other teachers or any combination thereof. In a  
4 similar manner, counselors, librarians and other licensed personnel  
5 must be evaluated on forms developed specifically for their  
6 respective specialties. A copy of the policy adopted by the board  
7 must be filed with the Department. The primary purpose of an  
8 evaluation is to provide a format for constructive assistance.  
9 Evaluations, while not the sole criterion, must be used in the  
10 dismissal process.

11 3. ~~[A conference and a written evaluation for a probationary~~  
12 ~~employee must be concluded not later than:~~

13 ~~—(a) December 1;~~

14 ~~—(b) February 1; and~~

15 ~~—(c) April 1,~~

16 ~~↪ of each school year of the probationary period, except that a~~  
17 ~~probationary employee assigned to a school that operates all year~~  
18 ~~must be evaluated at least three times during each 12 months of~~  
19 ~~employment on a schedule determined by the board.]~~

20 *A licensed*  
21 *employee who has been employed by the school district for 3 years*  
22 *or less must be evaluated in writing at least three times each*  
23 *school year on a schedule determined by the board of trustees of*  
24 *the school district. A licensed employee who has been employed by*  
25 *writing at least once each school year.*

26 An administrator charged  
27 with the evaluation of a ~~[probationary]~~ teacher shall personally  
28 observe the performance of the teacher in the classroom for not less  
29 than a cumulative total of 60 minutes during each evaluation period,  
30 with at least one observation during that 60-minute evaluation  
31 period consisting of at least 45 consecutive minutes.

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

43 5. ~~[Each postprobationary teacher must be evaluated at least~~  
44 ~~once each year. An administrator charged with the evaluation of a~~  
45 ~~postprobationary teacher shall personally observe the performance~~  
~~of the teacher in the classroom for not less than a cumulative total of~~



1 ~~60 minutes during each evaluation period, with at least one~~  
2 ~~observation during that 60 minute evaluation period consisting of at~~  
3 ~~least 30 consecutive minutes.~~

4 ~~—6.]~~ The evaluation of a ~~[probationary teacher or a~~  
5 ~~postprobationary]~~ teacher must include, without limitation:

6 (a) An evaluation of the classroom management skills of the  
7 teacher;

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

10 (c) An evaluation of whether the curriculum taught by the  
11 teacher is aligned with the standards of content and performance  
12 established pursuant to NRS 389.520, as applicable for the grade  
13 level taught by the teacher;

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

19 (e) If necessary, recommendations for improvements in the  
20 performance of the teacher;

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

23 (g) A statement by the administrator who evaluated the teacher  
24 indicating the amount of time that the administrator personally  
25 observed the performance of the teacher in the classroom.

26 ~~[7.]~~ 6. The teacher must receive a copy of each evaluation not  
27 later than 15 days after the evaluation. A copy of the evaluation and  
28 the teacher's response must be permanently attached to the teacher's  
29 personnel file. Upon the request of a teacher, a reasonable effort  
30 must be made to assist the teacher to correct those deficiencies  
31 reported in the evaluation of the teacher for which the teacher  
32 requests assistance.

33 **Sec. 7.** NRS 391.3127 is hereby amended to read as follows:

34 391.3127 1. Each board, following consultation with and  
35 involvement of elected representatives of administrative personnel  
36 or their designated representatives, shall develop an objective policy  
37 for the objective evaluation of administrators in narrative form. The  
38 policy must ~~[set forth a means according to which an administrator's~~  
39 ~~overall performance may be determined to be satisfactory or~~  
40 ~~unsatisfactory.]~~ *comply with the performance evaluation system*  
41 *established by the State Board pursuant to section 4 of this act.*

42 The policy may include an evaluation by the administrator,  
43 superintendent, pupils or other administrators or any combination  
44 thereof. A copy of the policy adopted by the board must be filed  
45 with the Department and made available to the Commission.



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

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

15 **Sec. 8.** NRS 391.313 is hereby amended to read as follows:

16 391.313 1. Whenever an administrator charged with  
17 supervision of a licensed employee believes it is necessary to  
18 admonish the employee for a reason that the administrator believes  
19 may lead to demotion or dismissal or may cause the employee not to  
20 be reemployed under the provisions of NRS 391.312, the  
21 administrator shall:

22 (a) ~~[Except as otherwise provided in subsection 3, bring]~~ **Bring**  
23 the matter to the attention of the employee involved, in writing,  
24 stating the reasons for the admonition and that it may lead to the  
25 employee's demotion, dismissal or a refusal to reemploy him or her,  
26 and make a reasonable effort to assist the employee to correct  
27 whatever appears to be the cause for the employee's potential  
28 demotion, dismissal or a potential recommendation not to reemploy  
29 him or her; and

30 (b) Except as otherwise provided in NRS 391.314, allow  
31 reasonable time for improvement, which must not exceed 3 months  
32 for the first admonition.

33 ➤ The admonition must include a description of the deficiencies of  
34 the teacher and the action that is necessary to correct those  
35 deficiencies.

36 2. An admonition issued to a licensed employee who, within  
37 the time granted for improvement, has met the standards set for the  
38 employee by the administrator who issued the admonition must be  
39 removed from the records of the employee together with all  
40 notations and indications of its having been issued. The admonition  
41 must be removed from the records of the employee not later than 3  
42 years after it is issued.

43 3. ~~[An administrator need not admonish an employee pursuant~~  
44 ~~to paragraph (a) of subsection 1 if his or her employment will be~~  
45 ~~terminated pursuant to NRS 391.3197. If by March 1 of the first or~~



~~1 second year of the employee's probationary period a probationary  
2 employee does not receive a written notice pursuant to subsection 4  
3 of NRS 391.3125 of a potential decision not to reemploy him or her;  
4 the employee must receive an admonition before any such decision  
5 is made.~~

~~6 —4.]~~ A licensed employee is subject to immediate dismissal or a  
7 refusal to reemploy according to the procedures provided in NRS  
8 391.311 to 391.3197, inclusive, without the admonition required by  
9 this section, on grounds contained in paragraphs (b), (f), (g), (h) and  
10 (p) of subsection 1 of NRS 391.312.

11 **Sec. 9.** NRS 391.314 is hereby amended to read as follows:

12 391.314 1. If a superintendent has reason to believe that  
13 cause exists for the dismissal of a licensed employee and the  
14 superintendent is of the opinion that the immediate suspension of  
15 the employee is necessary in the best interests of the pupils in the  
16 district, the superintendent may suspend the employee without  
17 notice and without a hearing. Notwithstanding the provisions of  
18 NRS 391.312, a superintendent may suspend a licensed employee  
19 who has been officially charged but not yet convicted of a felony or  
20 a crime involving moral turpitude or immorality. If the charge is  
21 dismissed or if the employee is found not guilty, the employee must  
22 be reinstated with back pay, plus interest, and normal seniority. The  
23 superintendent shall notify the employee in writing of the  
24 suspension.

25 2. Within 5 days after a suspension becomes effective, the  
26 superintendent shall begin proceedings pursuant to the provisions of  
27 NRS 391.312 to ~~[391.3196.]~~ **391.3194**, inclusive, to effect the  
28 employee's dismissal. The employee is entitled to continue to  
29 receive his or her salary and other benefits after the suspension  
30 becomes effective until the date on which the dismissal proceedings  
31 are commenced. The superintendent may recommend that an  
32 employee who has been charged with a felony or a crime involving  
33 immorality be dismissed for another ground set forth in  
34 NRS 391.312.

35 3. If sufficient grounds for dismissal do not exist, the employee  
36 must be reinstated with full compensation, plus interest.

37 4. A licensed employee who furnishes to the school district a  
38 bond or other security which is acceptable to the board as a  
39 guarantee that the employee will repay any amounts paid to him or  
40 her pursuant to this subsection as salary during a period of  
41 suspension is entitled to continue to receive his or her salary from  
42 the date on which the dismissal proceedings are commenced until  
43 the decision of the board or the report of the hearing officer, if the  
44 report is final and binding. The board shall not unreasonably refuse  
45 to accept security other than a bond. An employee who receives



1 salary pursuant to this subsection shall repay it if the employee is  
2 dismissed or not reemployed as a result of a decision of the board or  
3 a report of a hearing officer.

4 5. A licensed employee who is convicted of a crime which  
5 requires registration pursuant to NRS 179D.010 to 179D.550,  
6 inclusive, or is convicted of an act forbidden by NRS 200.508,  
7 201.190, 201.265, 201.540, 201.560 or 207.260 forfeits all rights of  
8 employment from the date of his or her arrest.

9 6. A licensed employee who is convicted of any crime and who  
10 is sentenced to and serves any sentence of imprisonment forfeits all  
11 rights of employment from the date of his or her arrest or the date on  
12 which his or her employment terminated, whichever is later.

13 7. A licensed employee who is charged with a felony or a  
14 crime involving immorality or moral turpitude and who waives his  
15 or her right to a speedy trial while suspended may receive no more  
16 than 12 months of back pay and seniority upon reinstatement if the  
17 employee is found not guilty or the charges are dismissed, unless  
18 proceedings have been begun to dismiss the employee upon one of  
19 the other grounds set forth in NRS 391.312.

20 8. A superintendent may discipline a licensed employee by  
21 suspending the employee with loss of pay at any time after a hearing  
22 has been held which affords the due process provided for in this  
23 chapter. The grounds for suspension are the same as the grounds  
24 contained in NRS 391.312. An employee may be suspended more  
25 than once during the employee's contract year, but the total number  
26 of days of suspension may not exceed 20 in 1 contract year. Unless  
27 circumstances require otherwise, the suspensions must be  
28 progressively longer.

29 **Sec. 10.** NRS 391.317 is hereby amended to read as follows:

30 391.317 1. At least 15 days before recommending to a board  
31 that it demote, dismiss or not reemploy a ~~[postprobationary~~  
32 ~~employee, or dismiss or demote a probationary]~~ *licensed* employee,  
33 the superintendent shall give written notice to the employee, by  
34 registered or certified mail, of the superintendent's intention to  
35 make the recommendation.

36 2. The notice must:

37 (a) Inform the licensed employee of the grounds for the  
38 recommendation.

39 (b) Inform the employee that, if a written request therefor is  
40 directed to the superintendent within 10 days after receipt of the  
41 notice, the employee is entitled to a hearing before a hearing officer.

42 (c) Refer to chapter 391 of NRS.



1       **Sec. 11.** NRS 391.31925 is hereby amended to read as  
2 follows:

3       391.31925 The licensed employee or a witness at a hearing  
4 under NRS 391.311 to ~~[391.3196,]~~ **391.3194**, inclusive, who is a  
5 person with a communications disability as defined in NRS 50.050,  
6 is entitled to the services of an interpreter at public expense in  
7 accordance with the provisions of NRS 50.050 to 50.053, inclusive.  
8 The interpreter must be appointed by the hearing officer.

9       **Sec. 12.** NRS 391.3197 is hereby amended to read as follows:

10       391.3197 1. ~~[A probationary]~~ **Commencing on July 1, 2012,**  
11 **each licensed** employee is employed on a contract basis for ~~[two]~~ **a**  
12 1-year ~~[periods]~~ **period** and has no right to ~~[employment after either~~  
13 ~~of the two probationary contract years.]~~ **reemployment, regardless**  
14 **of the date of his or her initial hire.**

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

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

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





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

12 ~~— 5. — If a probationary]~~

13 **4. If a licensed** employee is notified that the employee will not  
14 be reemployed for the ~~[second year of the employee's probationary~~  
15 ~~period or the]~~ ensuing school year, his or her employment ends on  
16 the last day of the current school year. The notice that the employee  
17 will not be reemployed must include a statement of the reasons for  
18 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 during the first year of probation, the~~  
25 ~~superintendent or the superintendent's designee shall waive the~~  
26 ~~second year of the administrator's probationary period. Such an~~  
27 ~~administrator is entitled to be a postprobationary employee in the~~  
28 ~~ensuing year of employment. If:~~

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

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

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



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

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

11 **Sec. 13.** NRS 391.350 is hereby amended to read as follows:

12 391.350 1. Any teacher or other licensed employee employed  
13 by any board for a specified time who willfully refuses or fails to  
14 fulfill his or her employment obligations after the employee has  
15 notified the board of his or her acceptance of employment under  
16 ~~[subsection 3 of NRS 391.3196 or]~~ subsection 2 of NRS 391.3197  
17 or to comply with the provisions of his or her contract after it has  
18 been signed without first obtaining the written consent of the board  
19 may be found guilty of unprofessional conduct. The board shall not  
20 unreasonably withhold its consent. Any administrator who willfully  
21 secures the signature on a statement of intent to accept employment  
22 of any teacher or other licensed employee who has notified the  
23 board of another school district in this State of his or her acceptance  
24 of employment is guilty of unprofessional conduct, unless the  
25 employee has first obtained the written consent of the board to  
26 which he or she has given notice of acceptance. If the failure or  
27 refusal to comply with the provisions of the contract is the result of  
28 having subsequently executed an employment contract with another  
29 board in this State without the written consent of the board first  
30 employing him or her, the second contract is void.

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

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

40 **Sec. 14.** Chapter 288 of NRS is hereby amended by adding  
41 thereto the provisions set forth as sections 15 and 16 of this act.

42 **Sec. 15.** *If the board of trustees of a school district*  
43 *determines that a reduction in the existing workforce of teachers*  
44 *in the school district is necessary, the decision to lay off a teacher*  
45 *must be based upon the effectiveness of the teacher to improve the*



1 *academic achievement of pupils and upon the evaluations of the*  
2 *teacher conducted pursuant to NRS 391.3125 and 391.3127 and*  
3 *must not be based upon the seniority of the teacher.*

4 **Sec. 16. 1.** *The board of trustees of a school district shall*  
5 *not increase the salary or wage rate or other compensation of a*  
6 *teacher based upon his or her years of service or his or her receipt*  
7 *of a master's degree or a doctoral degree from an accredited*  
8 *degree-granting postsecondary educational institution.*

9 **2.** *This section does not prohibit the board of trustees of a*  
10 *school district from increasing the salary or wage rate or other*  
11 *compensation of teachers employed by the board of trustees on the*  
12 *basis of merit.*

13 **Sec. 17.** NRS 288.150 is hereby amended to read as follows:

14 288.150 1. Except as provided in subsection 4, every local  
15 government employer shall negotiate in good faith through one or  
16 more representatives of its own choosing concerning the mandatory  
17 subjects of bargaining set forth in subsection 2 with the designated  
18 representatives of the recognized employee organization, if any, for  
19 each appropriate bargaining unit among its employees. If either  
20 party so requests, agreements reached must be reduced to writing.

21 2. The scope of mandatory bargaining is limited to:

22 (a) Salary or wage rates or other forms of direct monetary  
23 compensation ~~is~~ *consistent with the provisions of this chapter.*

24 (b) Sick leave.

25 (c) Vacation leave.

26 (d) Holidays.

27 (e) Other paid or nonpaid leaves of absence.

28 (f) Insurance benefits.

29 (g) Total hours of work required of an employee on each  
30 workday or workweek.

31 (h) Total number of days' work required of an employee in a  
32 work year.

33 (i) Discharge and disciplinary procedures.

34 (j) Recognition clause.

35 (k) The method used to classify employees in the bargaining  
36 unit.

37 (l) Deduction of dues for the recognized employee organization.

38 (m) Protection of employees in the bargaining unit from  
39 discrimination because of participation in recognized employee  
40 organizations consistent with the provisions of this chapter.

41 (n) No-strike provisions consistent with the provisions of this  
42 chapter.

43 (o) Grievance and arbitration procedures for resolution of  
44 disputes relating to interpretation or application of collective  
45 bargaining agreements.



- 1 (p) General savings clauses.
- 2 (q) Duration of collective bargaining agreements.
- 3 (r) Safety of the employee.
- 4 (s) Teacher preparation time.
- 5 (t) Materials and supplies for classrooms.
- 6 (u) The policies for the transfer and reassignment of teachers.
- 7 (v) Procedures for reduction in workforce **[H] consistent with the**
- 8 ***provisions of this chapter.***

9 3. Those subject matters which are not within the scope of  
10 mandatory bargaining and which are reserved to the local  
11 government employer without negotiation include:

12 (a) Except as otherwise provided in paragraph (u) of subsection  
13 2, the right to hire, direct, assign or transfer an employee, but  
14 excluding the right to assign or transfer an employee as a form of  
15 discipline.

16 (b) The right to reduce in force or lay off any employee because  
17 of lack of work or lack of money, subject to paragraph (v) of  
18 subsection 2.

19 (c) The right to determine:

20 (1) Appropriate staffing levels and work performance  
21 standards, except for safety considerations;

22 (2) The content of the workday, including without limitation  
23 workload factors, except for safety considerations;

24 (3) The quality and quantity of services to be offered to the  
25 public; and

26 (4) The means and methods of offering those services.

27 (d) Safety of the public.

28 4. Notwithstanding the provisions of any collective bargaining  
29 agreement negotiated pursuant to this chapter, a local government  
30 employer is entitled to take whatever actions may be necessary to  
31 carry out its responsibilities in situations of emergency such as a  
32 riot, military action, natural disaster or civil disorder. Those actions  
33 may include the suspension of any collective bargaining agreement  
34 for the duration of the emergency. Any action taken under the  
35 provisions of this subsection must not be construed as a failure to  
36 negotiate in good faith.

37 5. The provisions of this chapter, including without limitation  
38 the provisions of this section, recognize and declare the ultimate  
39 right and responsibility of the local government employer to manage  
40 its operation in the most efficient manner consistent with the best  
41 interests of all its citizens, its taxpayers and its employees.

42 6. This section does not preclude, but this chapter does not  
43 require the local government employer to negotiate subject matters  
44 enumerated in subsection 3 which are outside the scope of  
45 mandatory bargaining. The local government employer shall discuss



1 subject matters outside the scope of mandatory bargaining but it is  
2 not required to negotiate those matters.

3 7. Contract provisions presently existing in signed and ratified  
4 agreements as of May 15, 1975, at 12 p.m. remain negotiable.

5 **Sec. 18.** NRS 288.195 is hereby amended to read as follows:

6 288.195 Whenever an employee organization enters into  
7 negotiations with a local government employer, pursuant to NRS  
8 288.140 to 288.220, inclusive, *and sections 15 and 16 of this act,*  
9 such employee organization may be represented by an attorney  
10 licensed to practice law in the State of Nevada.

11 **Sec. 19.** NRS 288.217 is hereby amended to read as follows:

12 288.217 1. The provisions of this section govern negotiations  
13 between school districts and employee organizations representing  
14 teachers and educational support personnel.

15 2. If the parties to a negotiation pursuant to this section have  
16 failed to reach an agreement after at least four sessions of  
17 negotiation, either party may declare the negotiations to be at an  
18 impasse and, after 5 days' written notice is given to the other party,  
19 submit the issues remaining in dispute to an arbitrator. The arbitrator  
20 must be selected in the manner provided in subsection 2 of NRS  
21 288.200 and has the powers provided for fact finders in  
22 NRS 288.210.

23 3. The arbitrator shall, within 30 days after the arbitrator is  
24 selected, and after 7 days' written notice is given to the parties, hold  
25 a hearing to receive information concerning the dispute. The hearing  
26 must be held in the county in which the school district is located and  
27 the arbitrator shall arrange for a full and complete record of the  
28 hearing.

29 4. The parties to the dispute shall each pay one-half of the costs  
30 of the arbitration.

31 5. A determination of the financial ability of a school district  
32 must be based on:

33 (a) All existing available revenues as established by the school  
34 district and within the limitations set forth in NRS 354.6241, with  
35 due regard for the obligation of the school district to provide an  
36 education to the children residing within the district.

37 (b) Consideration of funding for the current year being  
38 negotiated. ~~[If the parties mutually agree to arbitrate a multi year  
39 contract the arbitrator must consider the ability to pay over the life  
40 of the contract being negotiated or arbitrated.]~~

41 ➔ Once the arbitrator has determined in accordance with this  
42 subsection that there is a current financial ability to grant monetary  
43 benefits, the arbitrator shall consider, to the extent appropriate,  
44 compensation of other governmental employees, both in and out of  
45 this State.



1 6. At the recommendation of the arbitrator, the parties may,  
2 before the submission of a final offer, enter into negotiations. If the  
3 negotiations are begun, the arbitrator may adjourn the hearing for a  
4 period of 3 weeks. If an agreement is reached, it must be submitted  
5 to the arbitrator, who shall certify it as final and binding.

6 7. If the parties do not enter into negotiations or do not agree  
7 within 30 days after the hearing held pursuant to subsection 3, each  
8 of the parties shall submit a single written statement containing its  
9 final offer for each of the unresolved issues.

10 8. The arbitrator shall, within 10 days after the final offers are  
11 submitted, render a decision on the basis of the criteria set forth in  
12 NRS 288.200. The arbitrator shall accept one of the written  
13 statements and shall report the decision to the parties. The decision  
14 of the arbitrator is final and binding on the parties. Any award of the  
15 arbitrator is retroactive to the expiration date of the last contract  
16 between the parties.

17 9. The decision of the arbitrator must include a statement:

18 (a) Giving the arbitrator's reason for accepting the final offer  
19 that is the basis of the arbitrator's award; and

20 (b) Specifying the arbitrator's estimate of the total cost of the  
21 award.

22 10. Within 45 days after the receipt of the decision from the  
23 arbitrator, the board of trustees of the school district shall hold a  
24 public meeting in accordance with the provisions of chapter 241 of  
25 NRS. The meeting must include a discussion of:

26 (a) The issues submitted pursuant to subsection 2;

27 (b) The statement of the arbitrator pursuant to subsection 9; and

28 (c) The overall fiscal impact of the decision which must not  
29 include a discussion of the details of the decision.

30 ➤ The arbitrator must not be asked to discuss the decision during  
31 the meeting.

32 11. The superintendent of the school district shall report to the  
33 board of trustees the fiscal impact of the decision. The report must  
34 include, without limitation, an analysis of the impact of the decision  
35 on compensation and reimbursement, funding, benefits, hours,  
36 working conditions or other terms and conditions of employment.

37 12. As used in this section:

38 (a) "Educational support personnel" means all classified  
39 employees of a school district, other than teachers, who are  
40 represented by an employee organization.

41 (b) "Teacher" means an employee of a school district who is  
42 licensed to teach in this State and who is represented by an  
43 employee organization.

44 **Sec. 20.** 1. The Commission on Professional Standards in  
45 Education shall, not later than December 31, 2011, submit to the



1 State Board of Education the recommendations of the Commission  
2 for the adoption of regulations establishing a performance  
3 evaluation system for teachers and administrators pursuant to  
4 section 4 of this act.

5 2. On or before June 30, 2012, the State Board of Education  
6 shall, based upon the recommendations of the Commission on  
7 Professional Standards in Education, adopt regulations establishing  
8 a performance evaluation system for teachers and administrators  
9 that complies with the provisions of section 4 of this act.

10 **Sec. 21.** Each school district and charter school in this State  
11 shall, not later than the 2012-2013 school year, implement a  
12 performance evaluation policy for teachers and administrators that  
13 complies with the performance evaluation system established by the  
14 State Board of Education pursuant to section 4 of this act.

15 **Sec. 22.** NRS 391.3116, 391.3196 and 391.31965 are hereby  
16 repealed.

17 **Sec. 23.** 1. This section and sections 4 and 14 to 21,  
18 inclusive, of this act become effective on July 1, 2011.

19 2. Sections 1, 2, 3, 5 to 13, inclusive, and 22 of this act become  
20 effective on July 1, 2012.

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### TEXT OF REPEALED SECTIONS

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

**391.3196 Reemployment of postprobationary employees: Notice of reemployment or delivery of contract; acceptance of employment.**

1. On or before May 1 of each year, the board shall notify postprobationary employees in their employ, in writing, by certified mail or by delivery of the employee's contract, concerning their reemployment for the ensuing year. If the board, or the person designated by it, fails to notify a postprobationary employee who has been employed by a school district of the employee's status for the ensuing year, the employee shall be deemed to be reemployed



for the ensuing year under the same terms and conditions as he or she is employed for the current year.

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

3. Any licensed employee who is reemployed pursuant to subsection 1 shall, by May 10, notify the board in writing of the employee's acceptance of employment. Failure on the part of the employee to notify the board of his or her acceptance within the specified time is conclusive evidence of the employee's rejection of the contract.

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

**391.31965 Certain postprobationary employees subsequently employed by another school district or charter school not required to serve probationary period; exception.** Except as otherwise provided in this section, if a postprobationary employee of a school district or charter school in this state:

1. Voluntarily leaves his or her employment; and

2. Is, within 5 years after the date on which the employee left that employment, employed by any school district or charter school in this state in a position that is comparable to the position in which the employee attained postprobationary status,

↳ he or she must be allowed to continue as a postprobationary employee and must not be required to serve the probationary period required by subsection 1 of NRS 391.3197. This section does not apply to a postprobationary employee who voluntarily leaves his or



her employment during the pendency of a proceeding for the suspension, demotion, dismissal or refusal to reemploy the postprobationary employee.

⑩

