
SENATE BILL NO. 407—SENATORS SMITH AND WOODHOUSE

MARCH 18, 2013

JOINT SPONSOR: ASSEMBLYWOMAN DONDERO LOOP

Referred to Committee on Education

SUMMARY—Revises provisions governing the statewide performance evaluation system for teachers and administrators. (BDR 34-143)

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

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

AN ACT relating to education; revising provisions governing the policies for the evaluation of teachers and school-based administrators; requiring the State Board of Education to prescribe the pupil achievement data to be used in the evaluation of teachers and school-based administrators; requiring the Teachers and Leaders Council of Nevada to make recommendations to the State Board concerning the evaluation of counselors, librarians and other licensed educational personnel; temporarily delaying the implementation of a program of performance pay and enhanced compensation for teachers and administrators by school districts; temporarily delaying the implementation of the statewide performance evaluation system and providing for a validation study of the system for teachers and school-based administrators during the 2013-2014 school year and a validation study for counselors, librarians and other licensed educational personnel during the 2014-2015 school year; making an appropriation; and providing other matters properly relating thereto.



* S B 4 0 7 *

Legislative Counsel's Digest:

1 Existing law requires the board of trustees of each school district to establish a
2 program of performance pay and enhanced compensation for licensed teachers and
3 administrators and requires each board to implement the program commencing with
4 the 2014-2015 school year. (NRS 391.168) **Section 2** of this bill delays the
5 implementation of the program to the 2015-2016 school year.

6 Existing law requires that, effective July 1, 2013, the policies for the evaluation
7 of teachers and administrators must: (1) designate an employee's overall
8 performance as "highly effective," "effective," "minimally effective" or
9 "ineffective"; and (2) provide that certain information on pupil achievement data
10 maintained by the automated system of accountability information for Nevada must
11 account for at least 50 percent of the evaluations. (NRS 391.3125, 391.3127)
12 **Sections 4, 5 and 10** of this bill change the source of the pupil achievement data,
13 upon which 50 percent of the evaluations are based, to data prescribed by the State
14 Board of Education. **Sections 4 and 5** also set forth an observation schedule for the
15 evaluation of teachers and administrators based upon the evaluation designation of
16 the employee in the immediately preceding school year. **Section 5** further provides
17 that the policy for the evaluation of administrators applies only to those
18 administrators who primarily provide administrative services at the school level and
19 who do not primarily provide direct instructional services to pupils.

20 Existing law requires, effective July 1, 2013, that a postprobationary employee
21 who receives an evaluation designating his or her overall performance as
22 "minimally effective" or "ineffective" for 2 consecutive school years to serve an
23 additional probationary period. (NRS 391.3129) **Section 7** of this bill extends the
24 implementation of this provision to the 2014-2015 school year.

25 Under existing law, the Teachers and Leaders Council of Nevada is required to
26 make recommendations to the State Board for the establishment of the statewide
27 performance evaluation system for teachers and administrators. (NRS 391.450-
28 391.465) **Section 9** of this bill requires the Council to also make recommendations
29 to the State Board for the evaluation of school counselors, librarians and other
30 licensed educational personnel. **Section 16** of this bill makes an appropriation to the
31 Teachers and Leaders Council of Nevada for costs associated with the work of the
32 Council.

33 **Sections 17-21** of this bill address the period during which the new statewide
34 performance evaluation system will be implemented. For the 2013-2014 school
35 year, all teachers, administrators, counselors, librarians and other licensed
36 educational personnel employed by a school district will be evaluated in accordance
37 with the system for evaluations pursuant to which employees are designated as
38 "satisfactory" or "unsatisfactory." During the 2013-2014 school year and 2014-
39 2015 school year, each school district is required to participate in a validation study
40 of portions of the new statewide performance evaluation system. For the 2013-2014
41 school year, the Department of Education, in consultation with the 17 school
42 districts, is required to select a representative sample of teachers and school-based
43 administrators to undergo evaluations under the new statewide performance
44 evaluation system, in addition to being evaluated under the "satisfactory" or
45 "unsatisfactory" system. Commencing with the 2014-2015 school year, all teachers
46 and school-based administrators employed by a school district will be evaluated
47 pursuant to the new statewide performance evaluation system. For the 2014-2015
48 school year, the Department of Education, in consultation with the 17 school
49 districts, is required to select a representative sample of counselors, librarians and
50 other licensed educational personnel, except for teachers and administrators, to
51 undergo evaluations under the new statewide performance evaluation system in
52 addition to being evaluated under the "satisfactory" or "unsatisfactory" system.
53 Commencing with the 2015-2016 school year, all counselors, librarians and other
54 licensed educational personnel are required to be evaluated pursuant to the new



55 statewide performance evaluation system. **Sections 19 and 21** of this bill prohibit
56 the basing of any decisions regarding an employee's suspension, demotion,
57 dismissal or refusal to reemploy upon the evaluations conducted as part of either
58 validation study.

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

1 **Section 1.** NRS 386.650 is hereby amended to read as follows:
2 386.650 1. The Department shall establish and maintain an
3 automated system of accountability information for Nevada. The
4 system must:
5 (a) Have the capacity to provide and report information,
6 including, without limitation, the results of the achievement of
7 pupils:
8 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
9 the regulations adopted pursuant thereto, and NRS 385.3469 and
10 385.347; and
11 (2) In a separate reporting for each group of pupils identified
12 in paragraph (b) of subsection 1 of NRS 385.361;
13 (b) Include a system of unique identification for each pupil:
14 (1) To ensure that individual pupils may be tracked over time
15 throughout this State; and
16 (2) That, to the extent practicable, may be used for purposes
17 of identifying a pupil for both the public schools and the Nevada
18 System of Higher Education, if that pupil enrolls in the System after
19 graduation from high school;
20 (c) Have the capacity to provide longitudinal comparisons of the
21 academic achievement, rate of attendance and rate of graduation of
22 pupils over time throughout this State;
23 (d) Have the capacity to perform a variety of longitudinal
24 analyses of the results of individual pupils on assessments,
25 including, without limitation, the results of pupils by classroom and
26 by school;
27 (e) Have the capacity to identify which teachers are assigned to
28 individual pupils;
29 (f) Have the capacity to provide other information concerning
30 schools and school districts that is not linked to individual pupils,
31 including, without limitation, the designation of schools and school
32 districts pursuant to NRS 385.3623 and 385.377, respectively, and
33 an identification of which schools, if any, are persistently
34 dangerous;
35 (g) Have the capacity to access financial accountability
36 information for each public school, including, without limitation,



1 each charter school, for each school district and for this State as a
2 whole; and

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

8 ➔ The information maintained pursuant to paragraphs (c), (d) and
9 (e) must be used for the purpose of improving the achievement of
10 pupils and improving classroom instruction. ~~[The information]~~
11 *Information on pupil achievement data, as prescribed by the State*
12 *Board pursuant to NRS 391.465,* must account for at least 50
13 percent, but must not be used as the sole criterion, in evaluating the
14 performance of or taking disciplinary action against an individual
15 teacher or other employee.

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

17 (a) Adopt and maintain the program prescribed by the
18 Superintendent of Public Instruction pursuant to subsection 3 for the
19 collection, maintenance and transfer of data from the records of
20 individual pupils to the automated system of information, including,
21 without limitation, the development of plans for the educational
22 technology which is necessary to adopt and maintain the program;

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

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

28 3. The Superintendent of Public Instruction shall:

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

32 (b) Prescribe the data to be collected and reported to the
33 Department by each school district and each sponsor of a charter
34 school pursuant to subsection 2 and by each university school for
35 profoundly gifted pupils;

36 (c) Prescribe the format for the data;

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

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

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

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



- 1 (1) Individual pupils;
- 2 (2) Individual teachers;
- 3 (3) Individual schools and school districts; and
- 4 (4) Programs and financial information;

5 (h) Provide technical assistance to each school district to ensure
6 that the data from each public school in the school district,
7 including, without limitation, each charter school and university
8 school for profoundly gifted pupils located within the school
9 district, is compatible with the automated system of information and
10 comparable to the data reported by other school districts; and

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

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

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

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

32 391.168 1. The board of trustees of each school district shall:

33 (a) Establish a program of performance pay and enhanced
34 compensation for the recruitment and retention of licensed teachers
35 and administrators which must be negotiated pursuant to chapter
36 288 of NRS; and

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

39 2. The program of performance pay and enhanced
40 compensation established by a school district pursuant to subsection
41 1 must have as its primary focus the improvement in the academic
42 achievement of pupils and must give appropriate consideration to
43 implementation in at-risk schools. In addition, the program may
44 include, without limitation, the following components:



1 (a) Career leadership advancement options to maximize the
2 retention of teachers in the classroom and the retention of
3 administrators;

4 (b) Professional development;

5 (c) Group incentives; and

6 (d) Multiple assessments of individual teachers and
7 administrators, with primary emphasis on individual pupil
8 improvement and growth in academic achievement, including,
9 without limitation, portfolios of instruction, leadership and
10 professional growth, and other appropriate measures of teacher and
11 administrator performance which must be considered.

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

13 391.3115 1. The demotion, suspension, dismissal and
14 nonreemployment provisions of NRS 391.311 to 391.3197,
15 inclusive, do not apply to:

16 (a) Substitute teachers; or

17 (b) Adult education teachers.

18 2. The admonition, demotion, suspension, dismissal and
19 nonreemployment provisions of NRS 391.311 to 391.3194,
20 inclusive, do not apply to:

21 (a) A probationary teacher. The policy for evaluations
22 prescribed in NRS 391.3125 and 391.3128 applies to a probationary
23 teacher.

24 (b) A new employee who is employed as a probationary
25 administrator ***H primarily to provide administrative services at the***
26 ***school level and not primarily to provide direct instructional***
27 ***services to pupils, regardless of whether licensed as a teacher or***
28 ***administrator, including, without limitation, a principal and vice***
29 ***principal.*** The policy for evaluations prescribed in NRS 391.3127
30 and 391.3128 applies to ***such*** a probationary administrator.

31 3. The admonition, demotion and suspension provisions of
32 NRS 391.311 to 391.3194, inclusive, do not apply to a
33 postprobationary teacher who is employed as a probationary
34 administrator ***primarily to provide administrative services at the***
35 ***school level and not primarily to provide direct instructional***
36 ***services to pupils, regardless of whether licensed as a teacher or***
37 ***administrator, including, without limitation, a principal and vice***
38 ***principal,*** with respect to his or her employment in the
39 administrative position. The policy for evaluations prescribed in
40 NRS 391.3127 and 391.3128 applies to ***such*** a probationary
41 administrator.

42 4. The provisions of NRS 391.311 to 391.3194, inclusive, do
43 not apply to a teacher whose employment is suspended or
44 terminated pursuant to subsection 3 of NRS 391.120 or NRS
45 391.3015 for failure to maintain a license in force.



1 5. A licensed employee who is employed in a position fully
2 funded by a federal or private categorical grant or to replace another
3 licensed employee during that employee's leave of absence is
4 employed only for the duration of the grant or leave. Such a licensed
5 employee and licensed employees who are employed on temporary
6 contracts for 90 school days or less, or its equivalent in a school
7 district operating under an alternative schedule authorized pursuant
8 to NRS 388.090, to replace licensed employees whose employment
9 has terminated after the beginning of the school year are entitled to
10 credit for that time in fulfilling any period of probation and during
11 that time the provisions of NRS 391.311 to 391.3197, inclusive, for
12 demotion, suspension or dismissal apply to them.

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

14 391.3125 1. It is the intent of the Legislature that a uniform
15 system be developed for objective evaluation of teachers and other
16 licensed personnel in each school district.

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

37 3. ~~{A conference and a written evaluation for a probationary~~
38 ~~employee must be concluded not later than:~~

39 ~~—(a) December 1;~~

40 ~~—(b) February 1; and~~

41 ~~—(c) April 1,~~

42 ~~↪ of each school year of the probationary period, except that a~~
43 ~~probationary employee assigned to a school that operates all year~~
44 ~~must be evaluated at least three times during each 12 months of~~
45 ~~employment on a schedule determined by the board. An~~



~~1 administrator charged with the evaluation of a probationary teacher
2 shall personally observe the performance of the teacher in the
3 classroom for not less than a cumulative total of 60 minutes during
4 each evaluation period, with at least one observation during that 60-
5 minute evaluation period consisting of at least 45 consecutive
6 minutes.~~

~~7 4. Except as otherwise provided in this subsection, each
8 postprobationary teacher must be evaluated at least once each year.]~~

*9 The person charged with the evaluation of a teacher pursuant to
10 this section shall hold a conference with the teacher before and
11 after each scheduled observation of the teacher during the school
12 year.*

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

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

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

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

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

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



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

3 ~~5.1~~ 6. *If a postprobationary teacher receives an evaluation*
4 *designating his or her overall performance as effective, the*
5 *postprobationary teacher must be evaluated one time in the*
6 *immediately succeeding school year. The evaluation must include*
7 *at least two scheduled observations as follows:*

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

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

13 7. *If a postprobationary teacher receives an evaluation*
14 *designating his or her overall performance as highly effective, the*
15 *postprobationary teacher must be evaluated one time in the*
16 *immediately succeeding school year. The evaluation must include*
17 *at least one scheduled observation which must occur within 120*
18 *days after the first day of instruction of the school year.*

19 8. The evaluation of a probationary teacher or a
20 postprobationary teacher *pursuant to this section* must *comply with*
21 *the regulations of the State Board adopted pursuant to NRS*
22 *391.465, which must* include, without limitation:

23 (a) An evaluation of the ~~classroom management skills of the~~
24 ~~teacher;~~

25 ~~—(b) A review of the lesson plans and the work log or grade book~~
26 ~~of pupils prepared by the teacher;~~

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

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

36 ~~—(e) *Instructional practice of the teacher in the classroom;*~~

37 (b) *An evaluation of the professional responsibilities of the*
38 *teacher to support learning and promote the effectiveness of the*
39 *school community;*

40 (c) *An evaluation of the performance of pupils enrolled in the*
41 *school;*

42 (d) An evaluation of whether the teacher employs practices and
43 strategies to involve and engage the parents and families of pupils in
44 the classroom;

45 ~~{(f) If necessary, recommendations}~~



1 **(e) Recommendations** for improvements in the performance of
2 the teacher;

3 ~~(e)~~ **(f)** A description of the action that will be taken to assist
4 the teacher in ~~correcting any deficiencies reported in the~~
5 ~~evaluation;~~ **the areas of instructional practice, professional**
6 **responsibilities and the performance of pupils;** and

7 ~~(h)~~ **(g)** A statement by the administrator who evaluated the
8 teacher indicating the amount of time that the administrator
9 personally observed the performance of the teacher in the
10 classroom.

11 ~~6-~~ **9.** The teacher must receive a copy of each evaluation not
12 later than 15 days after the evaluation. A copy of the evaluation and
13 the teacher's response must be permanently attached to the teacher's
14 personnel file. Upon the request of a teacher, a reasonable effort
15 must be made to assist the teacher to correct those deficiencies
16 reported in the evaluation of the teacher for which the teacher
17 requests assistance.

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

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

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

44 ~~3-~~ **The person charged with the evaluation of an**
45 **administrator pursuant to this section shall hold a conference with**



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

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

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

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

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

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

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

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

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

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

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

44 *6. If a postprobationary administrator receives an evaluation*
45 *designating his or her overall performance as highly effective, the*



1 *postprobationary administrator must be evaluated one time in the*
2 *immediately succeeding school year. The evaluation must include*
3 *at least one scheduled observation which must occur within 120*
4 *days after the first day of instruction of the school year.*

5 7. *The evaluation of an administrator pursuant to this section*
6 *must comply with the regulations of the State Board adopted*
7 *pursuant to NRS 391.465, which must include, without limitation:*

8 (a) *An evaluation of the instructional leadership practices of*
9 *the administrator at the school;*

10 (b) *An evaluation of the professional responsibilities of the*
11 *administrator to support learning and promote the effectiveness of*
12 *the school community;*

13 (c) *An evaluation of the performance of pupils enrolled in the*
14 *school;*

15 (d) *An evaluation of whether the administrator employs*
16 *practices and strategies to involve and engage the parents and*
17 *families of pupils enrolled in the school;*

18 (e) *Recommendations for improvements in the performance of*
19 *the administrator; and*

20 (f) *A description of the action that will be taken to assist the*
21 *administrator in the areas of instructional leadership practice,*
22 *professional responsibilities and the performance of pupils.*

23 8. Each probationary administrator is subject to the provisions
24 of NRS 391.3128 and 391.3197.

25 ~~14~~ 9. Before a superintendent transfers or assigns an
26 administrator to another administrative position as part of an
27 administrative reorganization, if the transfer or reassignment is to a
28 position of lower rank, responsibility or pay, the superintendent
29 shall give written notice of the proposed transfer or assignment to
30 the administrator at least 30 days before the date on which it is to be
31 effective. The administrator may appeal the decision of the
32 superintendent to the board by requesting a hearing in writing to the
33 president of the board within 5 days after receiving the notice from
34 the superintendent. The board shall hear the matter within 10 days
35 after the president receives the request, and shall render its decision
36 within 5 days after the hearing. The decision of the board is final.

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

38 391.3128 1. If a written evaluation of a probationary teacher ,
39 or *a* probationary administrator *who provides primarily*
40 *administrative services at the school level and who does not*
41 *provide primarily direct instructional services to pupils, regardless*
42 *of whether the probationary administrator is licensed as a teacher*
43 *or administrator, including, without limitation, a principal and*
44 *vice principal*, designates the overall performance of the teacher or
45 administrator as “minimally effective” or “ineffective”:



1 (a) The written evaluation must include the following statement:
2 "Please be advised that, pursuant to Nevada law, your contract may
3 not be renewed for the next school year. If you receive a 'minimally
4 effective' or 'ineffective' evaluation on the first or second
5 evaluation, or both evaluations for this school year, and if you have
6 another evaluation remaining this school year, you may request that
7 the evaluation be conducted by another administrator. You may also
8 request, to the administrator who conducted the evaluation,
9 reasonable assistance in correcting the deficiencies reported in the
10 evaluation for which you request assistance, and upon such request,
11 a reasonable effort will be made to assist you in correcting those
12 deficiencies."

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

16 2. If a probationary teacher or probationary administrator *to*
17 *which subsection 1 applies* requests that his or her next evaluation
18 be conducted by another administrator in accordance with the notice
19 required by subsection 1, the administrator conducting the
20 evaluation must be:

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

24 (b) Selected by the probationary teacher or probationary
25 administrator, as applicable, from a list of three candidates
26 submitted by the superintendent.

27 3. If a probationary teacher or probationary administrator *to*
28 *which subsection 1 applies* requests assistance in correcting
29 deficiencies reported in his or her evaluation, the administrator who
30 conducted the evaluation shall ensure that a reasonable effort is
31 made to assist the probationary teacher or probationary
32 administrator in correcting those deficiencies.

33 **Sec. 7.** NRS 391.3129 is hereby amended to read as follows:

34 391.3129 ~~+~~ *Commencing with the 2014-2015 school year, a*
35 postprobationary employee who receives an evaluation designating
36 his or her overall performance as:

37 1. If evaluated pursuant to NRS 391.3125 or 391.3127, as
38 applicable:

39 (a) Minimally effective;

40 (b) Ineffective; or

41 (c) Minimally effective during 1 year of the 2-year consecutive
42 period and ineffective during the other year of the period; or

43 2. If evaluated pursuant to any other system of evaluation, any
44 designation which indicates that the overall performance of the
45 employee is below average,



1 ↳ for 2 consecutive school years shall be deemed to be a
2 probationary employee for the purposes of NRS 391.311 to
3 391.3197, inclusive, and must serve an additional probationary
4 period in accordance with the provisions of NRS 391.3197.

5 **Sec. 8.** NRS 391.3197 is hereby amended to read as follows:

6 391.3197 1. A probationary employee is employed on a
7 contract basis for three 1-year periods and has no right to
8 employment after any of the three probationary contract years.

9 2. The board shall notify each probationary employee in
10 writing on or before May 1 of the first, second and third school
11 years of the employee's probationary period, as appropriate,
12 whether the employee is to be reemployed for the second or third
13 year of the probationary period or for the fourth school year as a
14 postprobationary employee. Failure of the board to notify the
15 probationary employee in writing on or before May 1 in the first or
16 second year of the probationary period does not entitle the employee
17 to postprobationary status. The employee must advise the board in
18 writing on or before May 10 of the first, second or third year of the
19 employee's probationary period, as appropriate, of the employee's
20 acceptance of reemployment. If a probationary employee is assigned
21 to a school that operates all year, the board shall notify the employee
22 in writing, in the first, second and third years of the employee's
23 probationary period, no later than 45 days before his or her last day
24 of work for the year under his or her contract whether the employee
25 is to be reemployed for the second or third year of the probationary
26 period or for the fourth school year as a postprobationary employee.
27 Failure of the board to notify a probationary employee in writing
28 within the prescribed period in the first or second year of the
29 probationary period does not entitle the employee to
30 postprobationary status. The employee must advise the board in
31 writing within 10 days after the date of notification of his or her
32 acceptance or rejection of reemployment for another year. Failure to
33 advise the board of the employee's acceptance of reemployment
34 pursuant to this subsection constitutes rejection of the contract.

35 3. A probationary employee who:

36 (a) Completes a 3-year probationary period;

37 (b) Receives a designation of "highly effective" or "effective"
38 on each of his or her performance evaluations for 2 consecutive
39 school years; and

40 (c) Receives a notice of reemployment from the school district
41 in the third year of the employee's probationary period,

42 ↳ is entitled to be a postprobationary employee in the ensuing year
43 of employment.

44 4. If a probationary employee is notified that the employee will
45 not be reemployed for the school year following the 3-year



1 probationary period, his or her employment ends on the last day of
2 the current school year. The notice that the employee will not be
3 reemployed must include a statement of the reasons for that
4 decision.

5 5. A new employee who is employed as an administrator *to*
6 *provide primarily administrative services at the school level and*
7 *who does not provide primarily direct instructional services to*
8 *pupils, regardless of whether the administrator is licensed as a*
9 *teacher or administrator, including, without limitation, a principal*
10 *and vice principal*, or a postprobationary teacher who is employed
11 as an administrator *to provide those administrative services* shall be
12 deemed to be a probationary employee for the purposes of this
13 section and must serve a 3-year probationary period as an
14 administrator in accordance with the provisions of this section. If:

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

18 (b) There is a position as a teacher available for the ensuing
19 school year in the school district in which the person is employed,
20 the board of trustees of the school district shall, on or before
21 May 1, offer the person a contract as a teacher for the ensuing
22 school year. The person may accept the contract in writing on or
23 before May 10. If the person fails to accept the contract as a teacher,
24 the person shall be deemed to have rejected the offer of a contract as
25 a teacher.

26 6. An administrator who has completed his or her probationary
27 period pursuant to subsection 5 and is thereafter promoted to the
28 position of principal must serve an additional probationary period of
29 1 year in the position of principal. If an administrator is promoted to
30 the position of principal before completion of his or her
31 probationary period pursuant to subsection 5, the administrator must
32 serve the remainder of his or her probationary period pursuant to
33 subsection 5 or an additional probationary period of 1 year in the
34 position of principal, whichever is longer. If the administrator
35 serving the additional probationary period is not reemployed as a
36 principal after the expiration of the probationary period or additional
37 probationary period, as applicable, the board of trustees of the
38 school district in which the person is employed shall, on or before
39 May 1, offer the person a contract for the ensuing school year for
40 the administrative position in which the person attained
41 postprobationary status. The person may accept the contract in
42 writing on or before May 10. If the person fails to accept such a
43 contract, the person shall be deemed to have rejected the offer of
44 employment.



1 7. If a probationary employee receives notice that he or she
2 will be dismissed before the completion of the current school year,
3 the probationary employee may request an expedited hearing
4 pursuant to the Expedited Labor Arbitration Procedures established
5 by the American Arbitration Association or its successor
6 organization.

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

8 391.460 1. The Council shall:

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

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

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

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

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

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

37 2. The performance evaluation system recommended by the
38 Council must ensure that:

39 (a) Data derived from the evaluations is used to create
40 professional development programs that enhance the effectiveness
41 of teachers, ~~and~~ administrators ~~and~~, *counselors, librarians and*
42 *other licensed educational personnel;* and

43 (b) A timeline is included for monitoring the performance
44 evaluation system at least annually for quality, reliability, validity,
45 fairness, consistency and objectivity.



1 3. The Council may establish such working groups, task forces
2 and similar entities from within or outside its membership as
3 necessary to address specific issues or otherwise to assist in its
4 work.

5 4. The State Board shall consider the recommendations made
6 by the Council pursuant to this section and shall adopt regulations
7 establishing a statewide performance evaluation system as required
8 by NRS 391.465.

9 **Sec. 10.** NRS 391.465 is hereby amended to read as follows:

10 391.465 1. The State Board shall, based upon the
11 recommendations of the Teachers and Leaders Council of Nevada
12 submitted pursuant to NRS 391.460, adopt regulations establishing a
13 statewide performance evaluation system which incorporates
14 multiple measures of an employee's performance.

15 2. The statewide performance evaluation system must:

16 (a) Require that an employee's overall performance is
17 determined to be:

- 18 (1) Highly effective;
19 (2) Effective;
20 (3) Minimally effective; or
21 (4) Ineffective.

22 (b) Include the criteria for making each designation identified in
23 paragraph (a).

24 (c) Require that ~~the information maintained pursuant to~~
25 ~~paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650]~~ *pupil*
26 *achievement data* account for at least 50 percent of the evaluation.

27 (d) *Prescribe the pupil achievement data that must be used as*
28 *part of the evaluation system pursuant to paragraph (c).*

29 (e) Include an evaluation of whether the teacher , or
30 administrator *who provides primarily administrative services at the*
31 *school level and who does not provide primarily direct*
32 *instructional services to pupils, regardless of whether the*
33 *probationary administrator is licensed as a teacher or*
34 *administrator, including, without limitation, a principal and vice*
35 *principal,* employs practices and strategies to involve and engage
36 the parents and families of pupils.

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

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

41 1. Commencing with the ~~2013-2104]~~ *2014-2015* school
42 year, implement and carry out the policies for evaluations of
43 teachers and administrators required by NRS 391.3125,
44 as amended by section 14 of this act, NRS 391.3127, as



1 amended by section 16 of this act, NRS 391.3197, as
2 amended by section 19.5 of this act, and section 20 of this act.

3 2. Commencing with the ~~{2013-2014}~~ **2014-2015** school
4 year, implement and carry out section 20.5 of this act . ~~{if,~~
5 ~~and only if, Assembly Bill No. 225 of this session is enacted~~
6 ~~by the Legislature and becomes effective.}~~

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

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

13 Sec. 23. 1. This section and sections 1 to 7, inclusive,
14 9 to 13, inclusive, 15, 17, 18, 19, 19.6, 19.7, 19.8, 21 and 22
15 of this act become effective on July 1, 2011.

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

18 3. ~~{Section 20.5 of this act becomes effective on July 1,~~
19 ~~2013, if, and only if, Assembly Bill No. 225 of this session is~~
20 ~~enacted by the Legislature and becomes effective.}~~ **Sections**
21 **19.5 and 20 of this act become effective on July 1, 2014.**

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

24 Sec. 12. On or before ~~{June 1,}~~ **August 15,** 2013, the
25 State Board of Education shall, based upon the
26 recommendations of the Teachers and Leaders Council of
27 Nevada submitted pursuant to section 6 of this act, adopt
28 regulations establishing a statewide performance evaluation
29 system for teachers and administrators that complies with
30 section 7 of this act.

31 **Sec. 14.** Section 15 of chapter 487, Statutes of Nevada 2011,
32 at page 3095, is hereby amended to read as follows:

33 Sec. 15. 1. This section and sections 3 to 8, inclusive,
34 9, 10.3, 10.5 and 11 to 14, inclusive, of this act become
35 effective on July 1, 2011.

36 2. Sections 1, 2, 8.5 ~~{,}~~ **and 9.5** ~~{, 10 and 10.4}~~ of this act
37 become effective on July 1, 2013.

38 **3. Sections 10 and 10.4 of this act become effective on**
39 **July 1, 2014.**

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

42 **Sec. 16.** 1. There is hereby appropriated from the State
43 General Fund to the Department of Education the sum of \$50,000
44 for the costs associated with the work of the Teachers and Leaders



1 Council of Nevada created by NRS 391.455 required by the
2 provisions of this act.

3 2. Any remaining balance of the appropriation made by
4 subsection 1 must not be committed for expenditure after June 30,
5 2015, by the Department of Education or any entity to which money
6 from the appropriation is granted or otherwise transferred in any
7 manner, and any portion of the appropriated money remaining must
8 not be spent for any purpose after September 18, 2015, by either the
9 Department of Education or the entity to which the money was
10 subsequently granted or transferred, and must be reverted to the
11 State General Fund on or before September 18, 2015.

12 **Sec. 17.** 1. It is the intent of the Legislature that a uniform
13 system be developed for objective evaluation of teachers and other
14 licensed personnel in each school district. For the 2013-2014 school
15 year, the board of trustees of each school district shall comply with
16 the policy for the evaluation of teachers, counselors, librarians and
17 other licensed educational personnel, except for administrators, as
18 set forth in this section. For the 2014-2015 school year, the board of
19 trustees of each school district shall comply with the policy for the
20 evaluation of counselors, librarians and other licensed educational
21 personnel, except for teachers and administrators, as set forth in this
22 section.

23 2. Each board of trustees, following consultation with and
24 involvement of elected representatives of the teachers or their
25 designees, shall develop a policy for objective evaluations in
26 narrative form. The policy must set forth a means according to
27 which an employee's overall performance may be determined to be
28 satisfactory or unsatisfactory. The policy must require that the
29 information maintained pursuant to paragraphs (c), (d) and (e) of
30 subsection 1 of NRS 386.650 account for a significant portion of the
31 evaluation, as determined by the board of trustees. The policy may
32 include an evaluation by the teacher, pupils, administrators or other
33 teachers or any combination thereof. In a similar manner,
34 counselors, librarians and other licensed personnel must be
35 evaluated on forms developed specifically for their respective
36 specialties. A copy of the policy adopted by the board of trustees
37 must be filed with the Department of Education. The primary
38 purpose of an evaluation is to provide a format for constructive
39 assistance. Evaluations, while not the sole criterion, must be used in
40 the dismissal process.

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

- 43 (a) December 1;
44 (b) February 1; and
45 (c) April 1,



1 ↪ of each school year of the probationary period, except that a
2 probationary employee assigned to a school that operates all year
3 must be evaluated at least three times during each 12 months of
4 employment on a schedule determined by the board of trustees. An
5 administrator charged with the evaluation of a probationary teacher
6 shall personally observe the performance of the teacher in the
7 classroom for not less than a cumulative total of 60 minutes during
8 each evaluation period, with at least one observation during that 60-
9 minute evaluation period consisting of at least 45 consecutive
10 minutes.

11 4. Except as otherwise provided in this subsection, each
12 postprobationary teacher must be evaluated at least once each year.
13 If a postprobationary teacher receives an unsatisfactory evaluation,
14 the postprobationary teacher must be evaluated three times in the
15 immediately succeeding school year. An administrator charged with
16 the evaluation of a postprobationary teacher shall personally observe
17 the performance of the teacher in the classroom for not less than a
18 cumulative total of 60 minutes during each evaluation period, with
19 at least one observation during that 60-minute evaluation period
20 consisting of at least 30 consecutive minutes. If a postprobationary
21 teacher is evaluated three times in a school year and he or she
22 receives an unsatisfactory evaluation on the first or second
23 evaluation, or both evaluations, the postprobationary teacher may
24 request that the third evaluation be conducted by another
25 administrator. If a postprobationary teacher requests that his or her
26 third evaluation be conducted by another administrator, that
27 administrator must be:

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

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

33 5. The evaluation of a probationary teacher or a
34 postprobationary teacher must include, without limitation:

35 (a) An evaluation of the classroom management skills of the
36 teacher;

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

39 (c) An evaluation of whether the curriculum taught by the
40 teacher is aligned with the standards of content and performance
41 established pursuant to NRS 389.520, as applicable for the grade
42 level taught by the teacher;

43 (d) An evaluation of whether the teacher is appropriately
44 addressing the needs of the pupils in the classroom, including,
45 without limitation, special educational needs, cultural and ethnic



1 diversity, the needs of pupils enrolled in advanced courses of study
2 and the needs of pupils who are limited English proficient;

3 (e) If necessary, recommendations for improvements in the
4 performance of the teacher;

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

7 (g) A statement by the administrator who evaluated the teacher
8 indicating the amount of time that the administrator personally
9 observed the performance of the teacher in the classroom.

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

17 **Sec. 18.** 1. For the 2013-2014 school year, the board of
18 trustees of each school district shall comply with the policy for the
19 evaluation of administrators as set forth in this section.

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

35 3. Each administrator must be evaluated in writing at least once
36 a year.

37 4. Each probationary administrator is subject to the provisions
38 of NRS 391.3128 and 391.3197.

39 5. Before a superintendent of a school district transfers or
40 assigns an administrator to another administrative position as part of
41 an administrative reorganization, if the transfer or reassignment is to
42 a position of lower rank, responsibility or pay, the superintendent
43 shall give written notice of the proposed transfer or assignment to
44 the administrator at least 30 days before the date on which it is to be
45 effective. The administrator may appeal the decision of the



1 superintendent to the board of trustees by requesting a hearing in
2 writing to the president of the board within 5 days after receiving
3 the notice from the superintendent. The board of trustees shall hear
4 the matter within 10 days after the president receives the request,
5 and shall render its decision within 5 days after the hearing. The
6 decision of the board of trustees is final.

7 **Sec. 19.** 1. On or before August 1, 2013, the Department of
8 Education shall, in consultation with the boards of trustees of the 17
9 school districts, select a representative sample of teachers and
10 administrators for a validation study of the statewide performance
11 evaluation system adopted by the State Board of Education pursuant
12 to NRS 391.465, as amended by section 10 of this act. The
13 administrators selected for the validation study must provide
14 primarily administrative services at the school level and not provide
15 primarily direct instructional services to pupils, regardless of
16 whether such an administrator is licensed as a teacher or
17 administrator, including, without limitation, a principal and vice
18 principal. Each school district shall participate in the validation
19 study.

20 2. For the 2013-2014 school year:

21 (a) Some evaluations of teachers and administrators pursuant to
22 the statewide performance evaluation system adopted by the State
23 Board of Education pursuant to NRS 391.465, as amended by
24 section 10 of this act, will be conducted as set forth in this section
25 for purposes of a validation study concurrently with the evaluations
26 required by sections 17 and 18 of this act, as applicable.

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

31 3. The teachers who are selected for the validation study must
32 be evaluated in accordance with section 17 of this act and in
33 accordance with the policy for evaluations set forth in NRS
34 391.3125, as amended by section 4 of this act.

35 4. The administrators who are selected for the validation study
36 must be evaluated in accordance with section 18 of this act and in
37 accordance with the policy for evaluations set forth in NRS
38 391.3127, as amended by section 5 of this act.

39 **Sec. 20.** 1. For the 2014-2015 school year, each
40 postprobationary teacher and administrator who is evaluated
41 pursuant to NRS 391.3125 or 391.3127, as amended by sections 4
42 and 5 of this act, respectively, must, as part of the evaluation, be
43 observed at least two times as follows:

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



1 (b) The second observation must occur after 80 days but within
2 120 days after the first day of instruction of the school year.

3 2. For the 2015-2016 school year and each school year
4 thereafter, each postprobationary teacher and administrator who is
5 evaluated pursuant to NRS 391.3125 or 391.3127, as amended by
6 sections 4 and 5 of this act, respectively, must, as part of the
7 evaluation, be observed in accordance with the observation schedule
8 set forth in NRS 391.3125 or 391.3127, as applicable, based upon
9 the designation of the overall performance of the employee for the
10 2014-2015 school year.

11 **Sec. 21.** 1. On or before August 1, 2014, the Department of
12 Education shall, in consultation with the boards of trustees of the 17
13 school districts, select a representative sample of counselors,
14 librarians and other licensed educational personnel, except for
15 teachers and administrators, for a validation study of the statewide
16 performance evaluation system adopted by the State Board of
17 Education pursuant to NRS 391.465, as amended by section 10 of
18 this act. Each school district shall participate in the validation study.

19 2. For the 2014-2015 school year:

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

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

31 3. The counselors, librarians and other licensed educational
32 personnel who are selected for the validation study must be
33 evaluated in accordance with section 17 of this act and in
34 accordance with the policy for evaluations set forth in NRS
35 391.3125, as amended by section 4 of this act.

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

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

44 2. Sections 1 to 15, inclusive, and 17 to 22, inclusive, of this
45 act become effective on July 1, 2013.



TEXT OF REPEALED SECTION

Section 21 of chapter 379, Statutes of Nevada 2011:

Sec. 21. The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act, apply to all:

1. Teachers who are initially employed by a school district on or after July 1, 2011.
2. A new employee who is hired by a school district as an administrator on or after July 1, 2011.
3. A postprobationary teacher who is employed as an administrator on or after July 1, 2011.

