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.
Legislative Counsel’s Digest:

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

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

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

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

Sections 17-21 of this bill address the period during which the new statewide performance evaluation system will be implemented. For the 2013-2014 school year, all teachers, administrators, counselors, librarians and other licensed educational personnel employed by a school district will be evaluated in accordance with the system for evaluations pursuant to which employees are designated as “satisfactory” or “unsatisfactory.” During the 2013-2014 school year and 2014-2015 school year, each school district is required to participate in a validation study of portions of the new statewide performance evaluation system. For the 2013-2014 school year, the Department of Education, in consultation with the 17 school districts, is required to select a representative sample of teachers and school-based administrators to undergo evaluations under the new statewide performance evaluation system, in addition to being evaluated under the “satisfactory” or “unsatisfactory” system. Commencing with the 2014-2015 school year, all teachers and school-based administrators employed by a school district will be evaluated pursuant to the new statewide performance evaluation system. For the 2014-2015 school year, the Department of Education, in consultation with the 17 school districts, is required to select a representative sample of counselors, librarians and other licensed educational personnel, except for teachers and administrators, to undergo evaluations under the new statewide performance evaluation system in addition to being evaluated under the “satisfactory” or “unsatisfactory” system. Commencing with the 2015-2016 school year, all counselors, librarians and other licensed educational personnel are required to be evaluated pursuant to the new
THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an
automated system of accountability information for Nevada. The
system must:
(a) Have the capacity to provide and report information,
including, without limitation, the results of the achievement of
pupils:
(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
the regulations adopted pursuant thereto, and NRS 385.3469 and
385.347; and
(2) In a separate reporting for each group of pupils identified
in paragraph (b) of subsection 1 of NRS 385.361;
(b) Include a system of unique identification for each pupil:
(1) To ensure that individual pupils may be tracked over time
throughout this State; and
(2) That, to the extent practicable, may be used for purposes
of identifying a pupil for both the public schools and the Nevada
System of Higher Education, if that pupil enrolls in the System after
graduation from high school;
(c) Have the capacity to provide longitudinal comparisons of the
academic achievement, rate of attendance and rate of graduation of
pupils over time throughout this State;
(d) Have the capacity to perform a variety of longitudinal
analyses of the results of individual pupils on assessments,
including, without limitation, the results of pupils by classroom and
by school;
(e) Have the capacity to identify which teachers are assigned to
individual pupils;
(f) Have the capacity to provide other information concerning
schools and school districts that is not linked to individual pupils,
including, without limitation, the designation of schools and school
districts pursuant to NRS 385.3623 and 385.377, respectively, and
an identification of which schools, if any, are persistently
dangerous;
(g) Have the capacity to access financial accountability
information for each public school, including, without limitation,
each charter school, for each school district and for this State as a whole; and

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

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

2. The board of trustees of each school district shall:
(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;
(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and
(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:
(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;
(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;
(c) Prescribe the format for the data;
(d) Prescribe the date by which each school district shall report the data to the Department;
(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;
(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;
(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:
(1) Individual pupils;
(2) Individual teachers;
(3) Individual schools and school districts; and
(4) Programs and financial information;

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

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

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

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

Sec. 2. NRS 391.168 is hereby amended to read as follows:
391.168 1. The board of trustees of each school district shall:
(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to chapter 288 of NRS; and
(b) Commencing with the [2014-2015] 2015-2016 school year, implement the program established pursuant to paragraph (a).
2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:
(a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;
(b) Professional development;
(c) Group incentives; and
(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.

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

391.3115  1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:
   (a) Substitute teachers; or
   (b) Adult education teachers.

2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3194, inclusive, do not apply to:
   (a) A probationary teacher. The policy for evaluations prescribed in NRS 391.3125 and 391.3128 applies to a probationary teacher.
   (b) A new employee who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal. The policy for evaluations prescribed in NRS 391.3127 and 391.3128 applies to such a probationary administrator.

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

4. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.
5. A licensed employee who is employed in a position fully
funded by a federal or private categorical grant or to replace another
licensed employee during that employee’s leave of absence is
employed only for the duration of the grant or leave. Such a licensed
employee and licensed employees who are employed on temporary
contracts for 90 school days or less, or its equivalent in a school
district operating under an alternative schedule authorized pursuant
to NRS 388.090, to replace licensed employees whose employment
has terminated after the beginning of the school year are entitled to
credit for that time in fulfilling any period of probation and during
that time the provisions of NRS 391.311 to 391.3197, inclusive, for
demotion, suspension or dismissal apply to them.

Sec. 4. NRS 391.3125 is hereby amended to read as follows:
391.3125 1. It is the intent of the Legislature that a uniform
system be developed for objective evaluation of teachers and other
licensed personnel in each school district.
2. Each board, following consultation with and involvement of
elected representatives of the teachers or their designees, shall
develop a policy for objective evaluations in narrative form. The
policy must comply with the statewide performance evaluation
system established by the State Board pursuant to NRS 391.465.
The policy must set forth a means according to which an employee’s
overall performance is determined to be highly effective, effective,
minimally effective or ineffective. The policy must require that
information maintained pursuant to paragraphs (c), (d) and (e) of
subsection 1 of NRS 386.650 pupil achievement data, as
prescribed by the State Board pursuant to NRS 391.465, account
for at least 50 percent of the evaluation. The policy may include an
evaluation by the teacher, pupils, administrators or other teachers or
any combination thereof. In a similar manner, counselors, librarians
and other licensed personnel must be evaluated. A copy of the
policy adopted by the board must be filed with the Department. The
primary purpose of an evaluation is to provide a format for
constructive assistance. Evaluations, while not the sole criterion,
must be used in the dismissal process.
3. A conference and a written evaluation for a probationary
employee must be concluded not later than:
   (a) December 1;
   (b) February 1; and
   (c) April 1,
   of each school year of the probationary period, except that a
probationary employee assigned to a school that operates all year
must be evaluated at least three times during each 12 months of
employment on a schedule determined by the board. An
administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

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

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

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

(a) The first scheduled observation must occur within 40 days after the first day of instruction of the school year;
(b) The second scheduled observation must occur after 40 days but within 80 days after the first day of instruction of the school year; and
(c) The third scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

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

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and
(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

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

   (a) The first scheduled observation must occur within 80 days after the first day of instruction of the school year; and
   
   (b) The second scheduled observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

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

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

   (a) An evaluation of the classroom management skills of the teacher;
   
   (b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;
   
   (c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;
   
   (d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;
   
   (e) Instructional practice of the teacher in the classroom;
   
   (f) An evaluation of the professional responsibilities of the teacher to support learning and promote the effectiveness of the school community;
   
   (g) An evaluation of the performance of pupils enrolled in the school;
   
   (h) An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;
   
   (i) If necessary, recommendations}
(e) **Recommendations** for improvements in the performance of the teacher;

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

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

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

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

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

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

3. The person charged with the evaluation of an administrator pursuant to this section shall hold a conference with
the administrator before and after each scheduled observation of
the administrator during the school year.
3. A probationary administrator must be evaluated three
times during each school year of his or her probationary
employment. Each evaluation must include at least one scheduled
observation of the probationary administrator during the school
year as follows:
   (a) The first scheduled observation must occur within 40 days
       after the first day of instruction of the school year;
   (b) The second scheduled observation must occur after 40 days
       but within 80 days after the first day of instruction of the school
       year; and
   (c) The third scheduled observation must occur after 80 days
       but within 120 days after the first day of instruction of the school
       year.
4. If a postprobationary administrator receives an evaluation
designating his or her overall performance as minimally effective
or ineffective, the postprobationary administrator must be
evaluated three times in the immediately succeeding school year in
accordance with the observation schedule set forth in subsection 3.
If a postprobationary administrator is evaluated three times in a
school year and he or she receives an unsatisfactory evaluation on
the first or second evaluation, or both evaluations, the
postprobationary administrator may request that the third
evaluation be conducted by another administrator. If a
postprobationary administrator requests that his or her third
evaluation be conducted by another administrator, that
administrator must be:
   (a) Employed by the school district or, if the school district has
       five or fewer administrators, employed by another school district
       in this State; and
   (b) Selected by the postprobationary administrator from a list
       of three candidates submitted by the superintendent.
5. If a postprobationary administrator receives an evaluation
designating his or her overall performance as effective, the
postprobationary administrator must be evaluated one time in the
immediately succeeding school year. The evaluation must include
at least two scheduled observations as follows:
   (a) The first scheduled observation must occur within 80 days
       after the first day of instruction of the school year; and
   (b) The second scheduled observation must occur after 80 days
       but within 120 days after the first day of instruction of the school
       year.
6. If a postprobationary administrator receives an evaluation
designating his or her overall performance as highly effective, the
postprobationary administrator must be evaluated one time in the
immediately succeeding school year. The evaluation must include
at least one scheduled observation which must occur within 120
days after the first day of instruction of the school year.

7. The evaluation of an administrator pursuant to this section
must comply with the regulations of the State Board adopted
pursuant to NRS 391.465, which must include, without limitation:
   (a) An evaluation of the instructional leadership practices of
       the administrator at the school;
   (b) An evaluation of the professional responsibilities of the
       administrator to support learning and promote the effectiveness of
       the school community;
   (c) An evaluation of the performance of pupils enrolled in the
       school;
   (d) An evaluation of whether the administrator employs
       practices and strategies to involve and engage the parents and
       families of pupils enrolled in the school;
   (e) Recommendations for improvements in the performance of
       the administrator; and
   (f) A description of the action that will be taken to assist the
       administrator in the areas of instructional leadership practice,
       professional responsibilities and the performance of pupils.

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

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

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

391.3128  1. If a written evaluation of a probationary teacher,
or a probationary administrator who provides primarily
administrative services at the school level and who does not
provide primarily direct instructional services to pupils, regardless
of whether the probationary administrator is licensed as a teacher
or administrator, including, without limitation, a principal and
vice principal, designates the overall performance of the teacher or
administrator as “minimally effective” or “ineffective”:
(a) The written evaluation must include the following statement: “Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive a ‘minimally effective’ or ‘ineffective’ evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies.”

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

2. If a probationary teacher or probationary administrator to which subsection 1 applies requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:
   (a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and
   (b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

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

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

391.3129 [A] Commencing with the 2014-2015 school year, a postprobationary employee who receives an evaluation designating his or her overall performance as:

1. If evaluated pursuant to NRS 391.3125 or 391.3127, as applicable:
   (a) Minimally effective;
   (b) Ineffective; or
   (c) Minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period; or

2. If evaluated pursuant to any other system of evaluation, any designation which indicates that the overall performance of the employee is below average,
for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.3197.

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

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

2. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee’s probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third year of the employee’s probationary period, as appropriate, of the employee’s acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee’s probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee’s acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

3. A probationary employee who:
   (a) Completes a 3-year probationary period;
   (b) Receives a designation of “highly effective” or “effective” on each of his or her performance evaluations for 2 consecutive school years; and
   (c) Receives a notice of reemployment from the school district in the third year of the employee’s probationary period,
   is entitled to be a postprobationary employee in the ensuing year of employment.

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

5. A new employee who is employed as an administrator to
provide primarily administrative services at the school level and
who does not provide primarily direct instructional services to
pupils, regardless of whether the administrator is licensed as a
teacher or administrator, including, without limitation, a principal
and vice principal, or a postprobationary teacher who is employed
as an administrator to provide those administrative services shall be
deemed to be a probationary employee for the purposes of this
section and must serve a 3-year probationary period as an
administrator in accordance with the provisions of this section. If:
(a) A postprobationary teacher who is an administrator is not
reemployed as an administrator after any year of his or her
probationary period; and
(b) There is a position as a teacher available for the ensuing
school year in the school district in which the person is employed,
the board of trustees of the school district shall, on or before
May 1, offer the person a contract as a teacher for the ensuing
school year. The person may accept the contract in writing on or
before May 10. If the person fails to accept the contract as a teacher,
the person shall be deemed to have rejected the offer of a contract as
a teacher.

6. An administrator who has completed his or her probationary
period pursuant to subsection 5 and is thereafter promoted to the
position of principal must serve an additional probationary period of
1 year in the position of principal. If an administrator is promoted to
the position of principal before completion of his or her
probationary period pursuant to subsection 5, the administrator must
serve the remainder of his or her probationary period pursuant to
subsection 5 or an additional probationary period of 1 year in the
position of principal, whichever is longer. If the administrator
serving the additional probationary period is not reemployed as a
principal after the expiration of the probationary period or additional
probationary period, as applicable, the board of trustees of the
school district in which the person is employed shall, on or before
May 1, offer the person a contract for the ensuing school year for
the administrative position in which the person attained
postprobationary status. The person may accept the contract in
writing on or before May 10. If the person fails to accept such a
contract, the person shall be deemed to have rejected the offer of
employment.
7. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

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

391.460 1. The Council shall:
(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and who do not provide primarily direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, counselors, librarians and other licensed educational personnel employed by school districts are:
   (1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 386.650 and 391.465;
   (2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and
   (3) Provided with the means to share effective educational methods with other teachers, administrators, counselors, librarians and other licensed educational personnel throughout this State.
(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.
(c) Consider the role of professional standards for teachers, administrators to which paragraph (a) applies, counselors, librarians and other licensed educational personnel and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

2. The performance evaluation system recommended by the Council must ensure that:
(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers, administrators, counselors, librarians and other licensed educational personnel; and
(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.
3. The Council may establish such working groups, task forces, and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

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

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

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

2. The statewide performance evaluation system must:

(a) Require that an employee’s overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

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

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

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

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

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

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

1. Commencing with the [2013-2014] 2014-2015 school year, implement and carry out the policies for evaluations of teachers and administrators required by NRS 391.3125, as amended by section 14 of this act, NRS 391.3127, as
amended by section 16 of this act, NRS 391.3197, as
amended by section 19.5 of this act, and section 20 of this act.

2. Commencing with the 2013-2014 school
year, implement and carry out section 20.5 of this act. if,
and only if, Assembly Bill No. 225 of this session is enacted
by the Legislature and becomes effective.

3. Commencing with the 2014-2015 school
year, implement and carry out the program of performance
pay and enhanced compensation established by the board of
trustees pursuant to section 8 of this act.

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

Sec. 23. 1. This section and sections 1 to 7, inclusive,
9 to 13, inclusive, 15, 17, 18, 19, 19.6, 19.7, 19.8, 21 and 22
of this act become effective on July 1, 2011.
2. Sections 8, 14, 16 and 20.5 of this act
become effective on July 1, 2013.
3. Section 20.5 of this act becomes effective on July 1,
2013, if, and only if, Assembly Bill No. 225 of this session is
enacted by the Legislature and becomes effective.

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

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

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

Sec. 15. 1. This section and sections 3 to 8, inclusive,
9, 10.3, 10.5 and 11 to 14, inclusive, of this act become
effective on July 1, 2011.
2. Sections 1, 2, 8.5 and 9.5 of this act
become effective on July 1, 2013.
3. Sections 10 and 10.4 of this act become effective on
July 1, 2014.

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

Sec. 16. 1. There is hereby appropriated from the State
General Fund to the Department of Education the sum of $50,000
for the costs associated with the work of the Teachers and Leaders
Council of Nevada created by NRS 391.455 required by the provisions of this act.

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

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

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

3. A conference and a written evaluation for a probationary employee must be concluded not later than:
   (a) December 1;
   (b) February 1; and
   (c) April 1,
of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board of trustees. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

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

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

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

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

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

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

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

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic
diversity, the needs of pupils enrolled in advanced courses of study
and the needs of pupils who are limited English proficient;
(e) If necessary, recommendations for improvements in the
performance of the teacher;
(f) A description of the action that will be taken to assist the
teacher in correcting any deficiencies reported in the evaluation; and
(g) A statement by the administrator who evaluated the teacher
indicating the amount of time that the administrator personally
observed the performance of the teacher in the classroom.
6. The teacher must receive a copy of each evaluation not later
than 15 days after the evaluation. A copy of the evaluation and the
teacher’s response must be permanently attached to the teacher’s
personnel file. Upon the request of a teacher, a reasonable effort
must be made to assist the teacher to correct those deficiencies
reported in the evaluation of the teacher for which the teacher
requests assistance.
Sec. 18. 1. For the 2013-2014 school year, the board of
trustees of each school district shall comply with the policy for the
evaluation of administrators as set forth in this section.
2. Each board of trustees, following consultation with and
involvement of elected representatives of administrative personnel
or their designated representatives, shall develop an objective policy
for the objective evaluation of administrators in narrative form. The
policy must set forth a means according to which an administrator’s
overall performance may be determined to be satisfactory or
unsatisfactory. The policy must require that the information
maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of
NRS 386.650 account for a significant portion of the evaluation, as
determined by the board of trustees. The policy may include an
evaluation by the administrator, superintendent, pupils or other
administrators or any combination thereof. A copy of the policy
adopted by the board of trustees must be filed with the Department
of Education and made available to the Commission on Professional
Standards in Education.
3. Each administrator must be evaluated in writing at least once
a year.
4. Each probationary administrator is subject to the provisions
of NRS 391.3128 and 391.3197.
5. Before a superintendent of a school district transfers or
assigns an administrator to another administrative position as part of
an administrative reorganization, if the transfer or reassignment is to
a position of lower rank, responsibility or pay, the superintendent
shall give written notice of the proposed transfer or assignment to
the administrator at least 30 days before the date on which it is to be
effective. The administrator may appeal the decision of the
superintendent to the board of trustees by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board of trustees shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board of trustees is final.

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

2. For the 2013-2014 school year:
   (a) Some evaluations of teachers and administrators pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by sections 17 and 18 of this act, as applicable.
   (b) Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.

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

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

Sec. 20. 1. For the 2014-2015 school year, each postprobationary teacher and administrator who is evaluated pursuant to NRS 391.3125 or 391.3127, as amended by sections 4 and 5 of this act, respectively, must, as part of the evaluation, be observed at least two times as follows:
   (a) The first observation must occur within 80 days after the first day of instruction of the school year; and
(b) The second observation must occur after 80 days but within 120 days after the first day of instruction of the school year.

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

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

2. For the 2014-2015 school year:
   (a) The evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, pursuant to the statewide performance evaluation system adopted by the State Board of Education pursuant to NRS 391.465, as amended by section 10 of this act, will be conducted as set forth in this section for purposes of a validation study concurrently with the evaluations required by section 17 of this act.
   (b) Decisions regarding the suspension, demotion, dismissal and refusal to reemploy must not be based upon any results of the evaluations conducted pursuant to this section for purposes of the validation study.

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

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

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

2. Sections 1 to 15, inclusive, and 17 to 22, inclusive, of this 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.