

ASSEMBLY BILL NO. 116—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

PREFILED FEBRUARY 3, 2011

Referred to Committee on Education

SUMMARY—Revises provisions governing educational personnel. (BDR 34-93)

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 educational personnel; requiring the governing body of a charter school to provide to a school district the employment record of an employee who was granted a leave of absence from the school district under certain circumstances; revising the designations of the overall performance of teachers and administrators required by the policies for evaluations of each school district; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes an employee of a school district to take a leave of
2 absence, not to exceed 3 years, to accept employment with a charter school for
3 which the board of trustees of the school district is the sponsor. The board of
4 trustees of the school district is required to grant an employee’s request to return to
5 his or her former teaching position or a comparable teaching position with the
6 school district after the approved leave of absence is complete. (NRS 386.595)
7 **Section 1** of this bill requires the governing body of a charter school to transmit to
8 the board of trustees of a school district, upon request, the employment record
9 maintained by the charter school of an employee who was granted a leave of
10 absence and who returns to employment with the school district.

11 Existing law requires the automated system of accountability information for
12 Nevada to track the achievement of pupils over time and to identify which teachers
13 and paraprofessionals are assigned to individual pupils. The information is required
14 to be considered, but must not be the sole criterion, in evaluating the performance
15 of or taking disciplinary action against an individual teacher, paraprofessional or
16 other employee. (NRS 386.650, as amended by Senate Bill No. 2 of the 26th
17 Special Session, chapter 5, Statutes of Nevada 2010, p. 38) Existing law also
18 requires the board of trustees of each school district to develop a policy for the



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19 evaluation of teachers and administrators pursuant to which an individual teacher or
20 administrator is designated as "satisfactory" or "unsatisfactory." (NRS 391.3125,
21 391.3127) **Sections 2 and 3** of this bill revise the policies for evaluations to require
22 the designation of an individual teacher or administrator as "highly effective,"
23 "effective" and "ineffective." **Sections 2 and 3** also require that certain information
24 on pupil achievement which is maintained by the automated system of
25 accountability information for Nevada account for at least 33 percent of the
26 evaluations of teachers and at least 33 percent of the evaluations of administrators
27 who are employed to provide administrative service at the school level, including a
28 principal and vice principal.

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

1 **Section 1.** NRS 386.595 is hereby amended to read as follows:
2 386.595 1. All employees of a charter school shall be deemed
3 public employees.
4 2. The governing body of a charter school may make all
5 decisions concerning the terms and conditions of employment with
6 the charter school and any other matter relating to employment with
7 the charter school. In addition, the governing body may make all
8 employment decisions with regard to its employees pursuant to NRS
9 391.311 to 391.3197, inclusive, unless a collective bargaining
10 agreement entered into by the governing body pursuant to chapter
11 288 of NRS contains separate provisions relating to the discipline of
12 licensed employees of a school.
13 3. Except as otherwise provided in this subsection, if the
14 written charter of a charter school is revoked or if a charter school
15 ceases to operate as a charter school, the employees of the charter
16 school must be reassigned to employment within the school district
17 in accordance with the applicable collective bargaining agreement.
18 A school district is not required to reassign an employee of a charter
19 school pursuant to this subsection if the employee:
20 (a) Was not granted a leave of absence by the school district to
21 teach at the charter school pursuant to subsection 4; or
22 (b) Was granted a leave of absence by the school district and did
23 not submit a written request to return to employment with the school
24 district in accordance with subsection 4.
25 4. The board of trustees of a school district that is a sponsor of
26 a charter school shall grant a leave of absence, not to exceed 3 years,
27 to any employee who is employed by the board of trustees who
28 requests such a leave of absence to accept employment with the
29 charter school. After the first school year in which an employee is
30 on a leave of absence, the employee may return to his or her former
31 teaching position with the board of trustees. After the third school
32 year, an employee shall either submit a written request to return to a



1 comparable teaching position or resign from the position for which
2 the employee's leave was granted. The board of trustees shall grant
3 a written request to return to a comparable position pursuant to this
4 subsection even if the return of the employee requires the board of
5 trustees to reduce the existing workforce of the school district. The
6 board of trustees may require that a request to return to a teaching
7 position submitted pursuant to this subsection be submitted at least
8 90 days before the employee would otherwise be required to report
9 to duty.

10 5. *Upon the request of the board of trustees of a school*
11 *district, the governing body of a charter school shall transmit to*
12 *the school district a copy of the employment record maintained by*
13 *the charter school of an employee who was granted a leave of*
14 *absence and returns to employment with the school district*
15 *pursuant to subsection 4. The employment record must include,*
16 *without limitation, each evaluation of the employee conducted by*
17 *the charter school and any disciplinary action taken by the charter*
18 *school against the employee.*

19 6. An employee who is on a leave of absence from a school
20 district pursuant to this section:

21 (a) Shall contribute to and be eligible for all benefits for which
22 the employee would otherwise be entitled, including, without
23 limitation, participation in the Public Employees' Retirement
24 System and accrual of time for the purposes of leave and retirement.

25 (b) Continues, while the employee is on leave, to be covered by
26 the collective bargaining agreement of the school district only with
27 respect to any matter relating to his or her status or employment
28 with the district.

29 ➔ The time during which such an employee is on a leave of absence
30 and employed in a charter school does not count toward the
31 acquisition of permanent status with the school district.

32 ~~[6-]~~ 7. Upon the return of a teacher to employment in the
33 school district, the teacher is entitled to the same level of retirement,
34 salary and any other benefits to which the teacher would otherwise
35 be entitled if the teacher had not taken a leave of absence to teach in
36 a charter school.

37 ~~[7-]~~ 8. An employee of a charter school who is not on a leave
38 of absence from a school district is eligible for all benefits for which
39 the employee would be eligible for employment in a public school,
40 including, without limitation, participation in the Public Employees'
41 Retirement System.

42 ~~[8-]~~ 9. For all employees of a charter school:

43 (a) The compensation that a teacher or other school employee
44 would have received if he or she were employed by the school
45 district must be used to determine the appropriate levels of



1 contribution required of the employee and employer for purposes of
2 the Public Employees' Retirement System.

3 (b) The compensation that is paid to a teacher or other school
4 employee that exceeds the compensation that the employee would
5 have received if he or she were employed by the school district must
6 not be included for the purposes of calculating future retirement
7 benefits of the employee.

8 ~~9.]~~ 10. If the board of trustees of a school district in which a
9 charter school is located manages a plan of group insurance for its
10 employees, the governing body of the charter school may negotiate
11 with the board of trustees to participate in the same plan of group
12 insurance that the board of trustees offers to its employees. If the
13 employees of the charter school participate in the plan of group
14 insurance managed by the board of trustees, the governing body of
15 the charter school shall:

16 (a) Ensure that the premiums for that insurance are paid to the
17 board of trustees; and

18 (b) Provide, upon the request of the board of trustees, all
19 information that is necessary for the board of trustees to provide the
20 group insurance to the employees of the charter school.

21 **Sec. 2.** NRS 391.3125 is hereby amended to read as follows:

22 391.3125 1. It is the intent of the Legislature that a uniform
23 system be developed for objective evaluation of teachers and other
24 licensed personnel in each school district.

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

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

45 (a) December 1;



1 (b) February 1; and
2 (c) April 1,
3 ↪ of each school year of the probationary period, except that a
4 probationary employee assigned to a school that operates all year
5 must be evaluated at least three times during each 12 months of
6 employment on a schedule determined by the board. An
7 administrator charged with the evaluation of a probationary teacher
8 shall personally observe the performance of the teacher in the
9 classroom for not less than a cumulative total of 60 minutes during
10 each evaluation period, with at least one observation during that
11 60-minute evaluation period consisting of at least 45 consecutive
12 minutes.

13 4. Whenever an administrator charged with the evaluation of a
14 probationary employee believes the employee will not be
15 reemployed for the second year of the probationary period or the
16 school year following the probationary period, the administrator
17 shall bring the matter to the employee's attention in a written
18 document which is separate from the evaluation not later than
19 March 1 of the current school year. The notice must include the
20 reasons for the potential decision not to reemploy or refer to the
21 evaluation in which the reasons are stated. Such a notice is not
22 required if the probationary employee has received a letter of
23 admonition during the current school year.

24 5. Each postprobationary teacher must be evaluated at least
25 once each year. An administrator charged with the evaluation of a
26 postprobationary teacher shall personally observe the performance
27 of the teacher in the classroom for not less than a cumulative total of
28 60 minutes during each evaluation period, with at least one
29 observation during that 60-minute evaluation period consisting of at
30 least 30 consecutive minutes.

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

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

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

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

41 (d) An evaluation of whether the teacher is appropriately
42 addressing the needs of the pupils in the classroom, including,
43 without limitation, special educational needs, cultural and ethnic
44 diversity, the needs of pupils enrolled in advanced courses of study
45 and the needs of pupils who are limited English proficient;



1 (e) If necessary, recommendations for improvements in the
2 performance of the teacher;

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

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

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

15 **Sec. 3.** NRS 391.3127 is hereby amended to read as follows:

16 391.3127 1. Each board, following consultation with and
17 involvement of elected representatives of administrative personnel
18 or their designated representatives, shall develop an objective policy
19 for the objective evaluation of administrators in narrative form. The
20 policy must set forth a means according to which an administrator's
21 overall performance ~~{may be}~~ is determined to be ~~{satisfactory}~~
22 *highly effective, effective* or ~~{unsatisfactory.}~~ *ineffective*. The policy
23 may include an evaluation by the administrator, superintendent,
24 pupils or other administrators or any combination thereof. *For each*
25 *administrator employed to provide administrative service at the*
26 *school level, including, without limitation, a principal or vice*
27 *principal, the policy must require that the information maintained*
28 *pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS*
29 *386.650 account for at least 33 percent of the evaluation*
30 *conducted pursuant to this section*. A copy of the policy adopted by
31 the board must be filed with the Department and made available to
32 the Commission.

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

35 3. Before a superintendent transfers or assigns an administrator
36 to another administrative position as part of an administrative
37 reorganization, if the transfer or reassignment is to a position of
38 lower rank, responsibility or pay, the superintendent shall give
39 written notice of the proposed transfer or assignment to the
40 administrator at least 30 days before the date on which it is to be
41 effective. The administrator may appeal the decision of the
42 superintendent to the board by requesting a hearing in writing to the
43 president of the board within 5 days after receiving the notice from
44 the superintendent. The board shall hear the matter within 10 days



1 after the president receives the request, and shall render its decision
2 within 5 days after the hearing. The decision of the board is final.

3 **Sec. 4.** NRS 391.3197 is hereby amended to read as follows:

4 391.3197 1. A probationary employee is employed on a
5 contract basis for two 1-year periods and has no right to
6 employment after either of the two probationary contract years.

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

26 3. A probationary employee who completes a 2-year
27 probationary period and receives a notice of reemployment from the
28 school district in the second year of the employee's probationary
29 period is entitled to be a postprobationary employee in the ensuing
30 year of employment.

31 4. If a probationary employee receives notice pursuant to
32 subsection 4 of NRS 391.3125 not later than March 1 of a potential
33 decision not to reemploy him or her, the employee may request a
34 supplemental evaluation by another administrator in the school
35 district selected by the employee and the superintendent. If a school
36 district has five or fewer administrators, the supplemental evaluator
37 may be an administrator from another school district in this State. If
38 a probationary employee has received during the first school year of
39 the employee's probationary period three evaluations which state
40 that the employee's overall performance has been ~~[satisfactory,]~~
41 *highly effective or effective*, the superintendent of schools of the
42 school district or the superintendent's designee shall waive the
43 second year of the employee's probationary period by expressly
44 providing in writing on the final evaluation of the employee for the
45 first probationary year that the second year of the employee's



1 probationary period is waived. Such an employee is entitled to be a
2 postprobationary employee in the ensuing year of employment.

3 5. If a probationary employee is notified that the employee will
4 not be reemployed for the second year of the employee's
5 probationary period or the ensuing school year, his or her
6 employment ends on the last day of the current school year. The
7 notice that the employee will not be reemployed must include a
8 statement of the reasons for that decision.

9 6. A new employee or a postprobationary teacher who is
10 employed as an administrator shall be deemed to be a probationary
11 employee for the purposes of this section and must serve a 2-year
12 probationary period as an administrator in accordance with the
13 provisions of this section. If the administrator does not receive an
14 ~~unsatisfactory~~ evaluation *indicating that his or her performance*
15 *is ineffective* during the first year of probation, the superintendent or
16 the superintendent's designee shall waive the second year of the
17 administrator's probationary period. Such an administrator is
18 entitled to be a postprobationary employee in the ensuing year of
19 employment. If:

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

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

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



- 1 8. Before dismissal, the probationary employee is entitled to a
- 2 hearing before a hearing officer which affords due process as set out
- 3 in NRS 391.311 to 391.3196, inclusive.
- 4 **Sec. 5.** This act becomes effective on July 1, 2011.



