

ASSEMBLY BILL NO. 320—ASSEMBLYMEN
FRIERSON AND FUMO

MARCH 17, 2017

Referred to Committee on Education

SUMMARY—Revises provisions relating to the statewide performance evaluation system. (BDR 34-1016)

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 relating to pupil achievement data as a component of the statewide performance evaluation system for employees; revising provisions relating to the number of evaluations that certain employees are required to receive; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the State Board of Education to adopt regulations
2 establishing a statewide performance evaluation system for evaluating the
3 performance of certain employees. Existing law generally requires this system to
4 include a requirement that pupil achievement data account for at least 40 percent of
5 an evaluation and that such data be derived both from statewide examinations and
6 assessments and certain assessments approved by the board of trustees of a school
7 district. (NRS 391.465) **Section 2** of this bill removes the requirement that pupil
8 achievement data be included in an evaluation, and instead provides that pupil
9 achievement data may account for not more than 20 percent of an evaluation.
10 **Section 2** also provides that if pupil achievement data is included as a part of the
11 evaluation system, the data must be generated from the relevant school or school
12 district. **Section 1** of this bill makes conforming changes.

13 Existing law requires each postprobationary teacher or administrator who
14 receives an evaluation designating his or her overall performance as effective or
15 highly effective to receive one evaluation in the next school year. (NRS 391.690,
16 391.710) **Sections 4 and 5** of this bill instead require a postprobationary teacher or
17 administrator who receives an evaluation designating his or her overall
18 performance as: (1) ~~effective to receive one evaluation in the next 3 school years;~~
19 ~~or~~ (2) highly effective for two consecutive years to receive one evaluation ~~in the next 5~~
~~after two consecutive~~ school years.

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

1 **Section 1.** NRS 391.460 is hereby amended to read as follows:

2 391.460 1. The Council shall:

3 (a) Make recommendations to the State Board concerning the
4 adoption of regulations for establishing a statewide performance
5 evaluation system to ensure that teachers, administrators who
6 provide primarily administrative services at the school level and
7 administrators at the district level who are not evaluated directly by
8 the district's Board of Trustees but provides direct supervision of
9 the principal of a school, and who do not provide primarily direct
10 instructional services to pupils, regardless of whether licensed as a
11 teacher or administrator, including, without limitation, a principal
12 and vice principal are:

12 (1) Evaluated using multiple, fair, timely, rigorous and valid
13 methods ; ~~[, which includes evaluations based upon pupil~~
14 ~~achievement data as required by NRS 391.465;]~~

15 (2) Afforded a meaningful opportunity to improve their
16 effectiveness through professional development that is linked to
17 their evaluations; and

18 (3) Provided with the means to share effective educational
19 methods with other teachers and administrators throughout this
20 State.

21 (b) Develop and recommend to the State Board a plan, including
22 duties and associated costs, for the development and implementation
23 of the performance evaluation system by the Department and school
24 districts.

25 (c) Consider the role of professional standards for teachers and
26 administrators to which paragraph (a) applies and, as it determines
27 appropriate, develop a plan for recommending the adoption of such
28 standards by the State Board.

29 (d) Develop and recommend to the State Board a process for
30 peer evaluations of teachers by qualified educational personnel
31 which is designed to provide assistance to teachers in meeting the
32 standards of effective teaching, and includes, without limitation,
33 conducting observations, participating in conferences before and
34 after observations of the teacher and providing information and
35 resources to the teacher about strategies for effective teaching.

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

38 (a) Data derived from the evaluations is used to create
39 professional development programs that enhance the effectiveness
40 of teachers and administrators; and

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

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

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

12 **Sec. 2.** NRS 391.465 is hereby amended to read as follows:

13 391.465 1. The State Board shall, based upon the
14 recommendations of the Teachers and Leaders Council of Nevada
15 submitted pursuant to NRS 391.460, adopt regulations establishing a
16 statewide performance evaluation system which incorporates
17 multiple measures of an employee's performance. Except as
18 otherwise provided in subsection 4, the State Board shall prescribe
19 the tools to be used by a school district for obtaining such measures.

20 2. The statewide performance evaluation system must:

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

- 23 (1) Highly effective;
24 (2) Effective;
25 (3) Minimally effective and/ or Developing; or
26 (4) Ineffective.

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

29 (c) Except as otherwise provided in subsections 2 and 3 of NRS
30 391.695 and subsections 2 and 3 of NRS 391.715, ~~require~~ **provide**
31 that pupil achievement data *may* account for ~~at least 40~~ **not more**
32 **than 20** percent of the evaluation.

33 (d) ~~Except as otherwise provided in subsection 3, prescribe the~~
34 ~~pupil achievement data that must be used as part of the evaluation~~
35 ~~system pursuant to paragraph (c) which must require that:~~

36 ~~— (1) Pupil achievement data derived from statewide~~
37 ~~examinations and assessments must account for at least 20 percent~~
38 ~~of the evaluation of a teacher or administrator, as applicable; and~~

39 ~~— (2) Pupil achievement data derived from assessments~~
40 ~~approved by the board of trustees of a school district that employs~~
41 ~~the teacher or administrator, as applicable, must account for at least~~
42 ~~20 percent of the evaluation.~~

43 ~~(e)~~ Include an evaluation of whether the teacher, or
44 administrator who provides primarily administrative services at the
45 school level or administrator at the district level who provides direct

1 supervision of the principal of a school, and who does not provide
2 primarily direct instructional services to pupils, regardless of
3 whether the probationary administrator is licensed as a teacher or
4 administrator, including, without limitation, a principal and vice
5 principal, employs practices and strategies to involve and engage the
6 parents and families of pupils.

7 ~~[(f)]~~ (e) Include a process for peer evaluations-observations of
8 teachers by
9 qualified educational personnel which is designed to provide
10 assistance to teachers in meeting the standards of effective teaching,
11 and includes, without limitation, conducting observations,
12 participating in conferences before and after observations of the
13 teacher and providing information and resources to the teacher about
14 strategies for effective teaching. The regulations must include the
15 criteria for school districts to determine which educational personnel
16 are qualified to conduct peer reviews pursuant to the process.

17 3. ~~[(The State Board shall, by regulation, designate the~~
18 ~~assessments that may be used by a school district to determine)]~~ *If*
19 *pupil achievement data is included as a part of the evaluation*
20 *system* pursuant to ~~[(subparagraph (2) of] paragraph [(d)] (c)~~ of
21 ~~subsection 2 [(The board of trustees of a school district may select~~
22 ~~one or more of the assessments designated by the State Board to~~
23 ~~determine pupil achievement, or the board of trustees may apply to~~
24 ~~the Superintendent of Public Instruction for approval to use a~~
25 ~~different assessment to determine pupil achievement.],~~ *the pupil*
26 *achievement data must be generated from a school or school*
27 *district in which the teacher or administrator was employed during*
the period covered by the evaluation.

28 4. A school district may apply to the State Board to use a
29 performance evaluation system and tools that are different than the
30 evaluation system and tools prescribed pursuant to subsection 1. The
31 application must be in the form prescribed by the State Board and
32 must include, without limitation, a description of the evaluation
33 system and tools proposed to be used by the school district. The
34 State Board may approve the use of the proposed evaluation system
35 and tools if it determines that the proposed evaluation system and
36 tools apply standards and indicators that are equivalent to those
37 prescribed by the State Board.

38 **Sec. 3.** NRS 391.470 is hereby amended to read as follows:

39 391.470 On or before August 1 of each year, the board of
40 trustees of each school district shall submit a report to the State
41 Board and the Teachers and Leaders Council of Nevada created by
42 NRS 391.455 concerning the implementation and effectiveness of
43 the process for peer evaluations of teachers set forth in the
44 regulations adopted by the State Board pursuant to paragraph ~~[(f)]~~

45 (e) of subsection 2 of NRS 391.465, including, without limitation,

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1 any recommendations for revisions to the process of peer
2 evaluations.

3 **Sec. 4.** NRS 391.690 is hereby amended to read as follows:

4 391.690 1. If a postprobationary teacher receives an
5 evaluation designating his or her overall performance as minimally
6 effective or ineffective, the postprobationary teacher must receive
7 one evaluation in the immediately succeeding school year which is
8 based in part upon three observations cycles which must
9 occur in
10 accordance with the observation schedule set forth in subsection 1
11 of NRS 391.685. If a postprobationary teacher receives evidence
12 from the first two observations cycles during the school year
13 indicating

14 that, unless his or her performance improves, his or her overall
15 performance may be rated as minimally effective or ineffective on
16 the evaluation, the postprobationary teacher may request that the
17 third observation cycle be conducted by another
18 administrator. If a

19 postprobationary teacher requests that his or her third observation
20 cycle be

21 conducted by another administrator, that administrator must be:

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

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

~~27 2. If a postprobationary teacher receives an evaluation
28 designating his or her overall performance as effective [or], the
29 postprobationary teacher must receive one evaluation in the next 3
30 school years. The evaluation must be based in part upon at least
31 one scheduled observation, which must occur within 120 days
32 after the first day of instruction of the school year in which the
33 evaluation occurs.~~

34 **3. If a postprobationary teacher receives an evaluation
35 designating his or her overall performance as highly effective two
36 consecutive years, the**

37 postprobationary teacher must receive one evaluation in the
38 ~~[immediately succeeding]~~ next two school ~~[year.]~~ years.

39 The
40 evaluation must be based in part upon at least one scheduled
41 observation, which must occur within 120 days after the first day of
42 instruction of the school year ~~[.]~~ in which the evaluation occurs.

43 **Sec. 5.** NRS 391.710 is hereby amended to read as follows:

44 391.710 1. If a postprobationary administrator receives an
45 evaluation designating his or her overall performance as minimally

40 effective or ineffective, the postprobationary administrator must
41 receive one evaluation in the immediately succeeding school year
42 which is based in part upon three observations which must occur in
43 accordance with the observation schedule set forth in subsection 1
44 of NRS 391.705. If a postprobationary administrator receives
45 evidence from the first two observations s-cycles indicating that,
unless his

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1 or her performance improves, his or her overall performance may be
2 rated as minimally effective or ineffective on the evaluation, the
3 postprobationary administrator may request that the third
4 observation be conducted by another administrator. If a
5 postprobationary administrator requests that his or her third
6 observation be conducted by another administrator, that
7 administrator must be:

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

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

~~13 2. If a postprobationary administrator receives an evaluation
14 designating his or her overall performance as effective [or], the
15 postprobationary administrator must receive one evaluation in the
16 next 3 school years. The evaluation must be based in part upon at
17 least one scheduled observation, which must occur within 120
18 days after the first day of instruction of the school year in which
19 the evaluation occurs.~~

20 3. *If a postprobationary administrator receives an evaluation*
21 *designating his or her overall performance as highly effective two*
consecutive years, the

22 postprobationary administrator must receive one evaluation in the
23 ~~[immediately succeeding]~~ *next two school ~~[year.] years.~~*

The
24 evaluation must be based in part upon at least one scheduled
25 observation, which must occur within 120 days after the first day of
26 instruction of the school year ~~[.]~~ *in which the evaluation occurs.*

27 **Sec. 6.** This act becomes effective on July 1, 2017.

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NRS 391.455 Creation of Council; membership; terms; election of Chair; meetings and quorum; allowance and travel expenses; administrative support by Department.

1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following ~~15~~7 members:

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(f) One representative of the regional training programs for the professional development of teachers and administrators created by [NRS 391A.120](#) appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.

(i) Two Other Licensed Personnel in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association or respected school districts. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

