

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
June 1, 2013**

The Committee on Education was called to order by Chairman Elliot T. Anderson at 1:51 p.m. on Saturday, June 1, 2013, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Elliot T. Anderson, Chairman
Assemblywoman Marilyn Dondero Loop, Vice Chairwoman
Assemblyman Paul Aizley
Assemblywoman Lesley E. Cohen
Assemblywoman Olivia Diaz
Assemblyman Wesley Duncan
Assemblyman Andy Eisen
Assemblywoman Michele Fiore
Assemblyman Randy Kirner
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Dina Neal (excused)

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Senatorial District No. 17

Minutes ID: 1340



STAFF MEMBERS PRESENT:

Todd Butterworth, Committee Policy Analyst
Andrew Diss, Committee Manager
Sharon McCallen, Committee Secretary
Ashlynd Baker, Committee Assistant

OTHERS PRESENT:

Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department of Education
Craig Stevens, representing Nevada State Education Association
Stephen Augspurger, representing Clark County Association of School Administrators
Dotty Merrill, representing Nevada Association of School Boards
Nicole Rourke, representing Clark County School District
Lindsay Anderson, representing Washoe County School District
Mary Pierczynski, representing Nevada Association of School Superintendents
Erin McMullen, representing Las Vegas Metro Chamber of Commerce
Ron Dreher, representing Washoe School Principals' Association

Chairman Elliot Anderson:

[Roll called. Protocol and procedures explained.] We will open the hearing with Senate Bill 407 (2nd Reprint).

Senate Bill 407 (2nd Reprint): Revises provisions governing the statewide performance evaluation system for teachers and administrators. (BDR 34-143)

Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department of Education:

Senator Smith has asked me to come before you to explain the contents of Senate Bill 407 (2nd Reprint).

Existing law requires a statewide uniform performance system for the evaluation and support of teachers and administrators. These requirements were established in 2011 and have been moved forward through the Teachers and Leaders Council (TLC) of Nevada, members of which have previously presented to you during this session in the joint meeting with the Senate Committee on Education.

This bill refines the statutory requirements in response to recommendations of the TLC and establishes the next set of marching orders. Chairman Anderson has asked me to walk through each of the sections and then provide an opportunity for you to ask questions.

The bill as configured through the second reprint with amendment number 850 includes the following elements.

Sections 1, 4, and 5, address the requirement for 50 percent of the evaluation to come from student achievement data. That requirement remains intact. However, it does provide more latitude for the State Board of Education to establish the assessment sources rather than to statutorily bind those to existing assessment sources. This Committee has heard testimony and has moved forward Assembly Bill 288, through the leadership of Assemblyman Kirner. That is a good example of why we want the latitude for the State Board to regulate the assessments rather than binding them to statute, because as more robust and appropriate assessments come onboard, we should have the capacity to broaden the assessment sources that inform these evaluations. Sections 1, 4, and 5 treat those elements.

Section 1.5 establishes reporting requirements regarding the implementation and effectiveness of a peer evaluation component. I will say more about peer evaluators in a minute.

Section 2 delays the performance pay until the system is fully vetted. You can imagine that we should not be making decisions about pay-for-performance until we have sufficient confidence that the evaluation data are, in fact, yielding the correct information.

Section 3 clarifies the meaning of administrator to denote an individual at the school building level who functions in this capacity. It clarifies that individuals who are licensed as teachers and yet who function as administrators are evaluated as such. When the bill was passed in the 2011 Session, it treated administrators the same across the board, including district administrators such as the director of Transportation and the director of Food and Nutrition Programs. They would have all had to adhere to the same evaluation program. It was clear that the legislative intent was about principals, vice principals, and deans of students. This is a technical adjustment to make that definition more clear.

Sections 4 and 5 outline the requirements for conducting evaluations. These include the elements or domains required in the evaluation and the timing associated with each process component, such as the conferencing before and

after, the observations, and the analyses of the portfolios. It also describes the support structure for evaluation data use. It makes clear that the evaluation data should, in fact, drive the supports, including professional development, to be provided to teachers and administrators to help them meet the standards and indicators set forth in regulations.

Section 5 addresses logistical issues associated with access to student achievement data for probationary teachers and administrators, with the requirement that student achievement counts for 50 percent of an educator's evaluation. That means for the statewide-administered test, the student takes the test in the spring of the year. Before the tests are actually finished, we are required to issue an evaluation in a summative fashion for the teachers and administrators. For a probationary teacher, we do not yet have the student achievement data to issue them a rating. For that first year of a probationary teacher's evaluation, it is limited to only the observations and portfolio analysis—the more subjective or input measures versus the student achievement measures.

Section 5 also requires the local boards of trustees to adopt policies that adhere to the statewide system.

Section 6 identifies the consequences for administrators who are deemed ineffective or minimally effective, in terms of the structured support they should get. That was previously silent in statute. While it existed for teachers, it did not exist for administrators. One of the technical adjustments in this bill is to provide continuity and alignment between the treatment of teachers and of school administrators. That makes expectations more clear for everyone.

Section 7 is deleted by amendment.

Section 8 is technical in terms of that definition of an administrator.

Section 8.5 is technical in identifying that the council means the Teachers and Leaders Council.

Section 9 charges the Teachers and Leaders Council with creating a system for the implementation of peer evaluators. Previously, we have not had the ability to have teachers assist in the evaluation process. Over the past months, when the TLC deliberated on its work, we heard testimony that teachers were concerned that their administrators would observe them and would not understand what high-quality instruction looked like and they would not get a fair observation.

Administrators asked, from a peer capacity perspective, how were they going to perform all of these observations? Picture a comprehensive high school in the Clark County School District with 150 faculty, 25 of them probationary teachers, requiring three observations minimally for every one of those teachers. There is a capacity issue in terms of the administrator's ability to spend meaningful time in every one of those teachers' classroom. The peer evaluator component expands capacity and ensures that, where needed, there is support for the administrator in terms of the content knowledge as well.

Section 9 also charges the Teachers and Leaders Council to construct an aligned model of evaluation for counselors, librarians, and other related service providers such as speech language pathologists. We have built the system for traditional teachers, both in tested and nontested grades and subjects and for school administrators. In reality, something aligned and yet slightly different is necessary for those individuals who provide meaningful supports but do not spend their whole day with the same group of students in each classroom.

Section 10 requires the State Board of Education to adopt regulations for the peer evaluator component as recommended by the Teachers and Leaders Council.

A number of sections in the bill, 11, 12, 13, 17, and others, revise the requirements for timelines associated with the adoption of regulations, the validation, or field test process, and implementation of the new system.

Current law requires full implementation of this system in the coming school year. This bill shifts the timing to allow for adequate validation of the system before consequences are attached. This includes promotion, tenure, and dismissal and that we not make those decisions until we have adequately evaluated the system. This bill specifies the timing and sets forth the specifications for participation in the validation efforts through the field-testing process.

I cannot underscore the importance of these timing shifts. If the system cannot be fully tested and refined through the field-testing process before substantial consequences are associated with such, we run the risk of making the wrong decisions about teacher and administrator performance. We know that those wrong decisions would not be fair to students, educators, or schools. They would undermine the credibility of the entire system moving forward.

Section 14 was deleted by amendment.

Section 15 repeals conflicting statute.

Section 16 appropriates \$100,000 for the administration of the Teachers and Leaders Council coming together for meetings.

Section 16.3 requires the Department of Education to submit a report to the Interim Finance Committee on the validation study regarding the timing piece. Timing, in the bill, has two opportunities. There is an expectation that the field-test or validation process will occur in the 2013-2014 school year. A validation study report with the first year's findings, including a recommendation, will come before the Interim Finance Committee next summer. At that time, the system will be vetted. We are confident the decisions we made on this system are fair, valid, and reliable and we should move forward in the 2014-2015 school year with consequences, including promotion, tenure, and dismissal, attached to the new system.

If that occurs, there is then direction that the Interim Finance Committee can allocate a full set of resources as articulated in the budget bill. There will be an expectation that the system be fully implemented in 2014-2015.

If, on the other hand, there is a validation study that says that one or more components reveal there is further work to be done to ensure the system is fair, valid, and reliable, we should wait. We should have a second year of validation before consequences are associated and look to full implementation in the 2015-2016 school year.

Sections 16.5 and 16.7 allow a district to apply to start the evaluation system with consequences in the 2013-2014 school year, a year ahead of the rest of the state, if the district can demonstrate that they are fully ready to do so.

Chairman Elliot Anderson:

There are a few things I would like to put on the record, but I will allow questions from the Committee members first.

Assemblyman Kirner:

Validation process is a scientific effort. I would like to hear more on how the validation is going to be conducted. Certainly, anecdotal data does not do it. Do you contract with an outside source to do this? Is that the plan?

Rorie Fitzpatrick:

You are right about that. It is important that this validation process be conducted extremely well. We are in the process of soliciting competitive proposals through a request for proposals process that we collaborated on with the Purchasing Division, Department of Administration, to conduct. That opportunity is available now. The proposals are due within the next couple of

weeks, with an anticipation that the contract will go to the State Board of Examiners for approval at their August meeting. The money for the validation study is approved in the Governor's recommended budget at closing. We are in that process now. We anticipate a fully vetted vendor.

Assemblyman Stewart:

Refresh my memory. We have a standardized form throughout the state now for evaluation of both administrators and teachers. Correct?

Rorie Fitzpatrick:

What we have is a standardized set of standards and indicators. In the same way we have standards for what students should know and be able to do, we have standards for what teachers and administrators should know and be able to do. As part of the validation process in the next year, we will have tools to collect the data, a standardized observation form or rubric for the portfolio review of professional responsibilities.

As part of the law, if a district wants to apply to use a different observation tool than the state model, they can apply to the Department of Education in alignment with the regulations adopted by the State Board. However, they are required to demonstrate how that tool would yield data toward the established standards and indicators.

Assemblyman Stewart:

Half of the evaluation has to be based on performance of the student. Do we have standardized tests for each subject at the beginning and at the end of the school year?

Rorie Fitzpatrick:

What we have currently are the standardized tests in Grades 3 through 8 and in high school. We have some teachers who immediately teach those subjects in those grades. The way the model works is the student achievement data for the teacher is derived a little differently than is the student achievement data for a special education teacher in the first grade who does not directly teach content or students who are tested through the statewide assessment. For those teachers, we look to schoolwide aggregate data.

One of the reasons the validation is so important is that there are many inherent assumptions in using schoolwide aggregate data in that way. In fact, there is a pending lawsuit in Florida testing that very premise. Launching too quickly with this system, before we have an opportunity see what precedent a landmark case might set, would be irresponsible from my perspective as a state policymaker.

Assemblyman Stewart:

Of the other 50 percent not based on achievement, we have a definite plan for that?

Rorie Fitzpatrick:

Those are standards and indicators for what we expect teachers and administrators to know and to be able to do. We have a robust set of research over the past 30 years to tell us what the biggest return on investment is for instructional approaches, including instructional leadership. That is the premise of the model on the input side, whereas the student achievement data are the outcome side.

Assemblyman Stewart:

We do not have student evaluation included in there.

Rorie Fitzpatrick:

The input side is 50 percent. That is when we look at what the adults are controlling. The 50 percent on the other side is the student achievement as measured by statewide assessments.

Assemblyman Aizley:

If I were the instructor, I would have one set of questions. If I were the evaluator, I would have another set of questions. What is the overall goal in this performance evaluation? Is this eventually going to be about salary increases? Is that the ultimate end of this process?

Rorie Fitzpatrick:

It is many things. It is decisions about promotion, tenure, and dismissal. It is also, as articulated in the law, an opportunity to make pay-for-performance decisions. I would suggest the most important thing the system should be about is providing actionable data that supports us in providing the right kinds of professional development instructional supports.

You will never hear me talk about evaluation without also talking about the parallel words "and support." Evaluation systems should yield actionable data to help improve the system. First and foremost, it should not be about firing bad teachers.

Assemblyman Aizley:

I have been in that role. What I am looking for is, is it going to be a grade on the performance part of the evaluation? Is there a passing grade, an acceptable grade? When you have this hierarchy of people, are you going to be assigning merit increases or cost of living increases? Do we know that?

Rorie Fitzpatrick:

The law, as passed in 2011, set a four-tier rating system from "highly effective," "effective," "minimally effective," to "ineffective."

Assemblyman Aizley:

What is satisfactory? Will the teacher know?

Rorie Fitzpatrick:

Satisfactory is a rating of "effective" or "highly effective." That is partly what will be established through the field test process—where are the cut scores for each of those ratings. With regard to the other questions you are asking, that is beyond the scope of this bill.

Chairman Elliot Anderson:

I was about to interject. Mr. Aizley, I am willing to entertain a bid to refresh the Committee's recollection, but I do not want to revisit 2011.

Assemblywoman Diaz:

I want to congratulate the tone of the bill. It has changed from the last session. As I was reading the bill, it does give us, as teachers, credit for being professionals in a field. Last time, it felt as though they were picking us apart.

What I am hearing is that we are going to be entering a pilot program for evaluations for both teachers and administration. That is great. We do not want to put something in place that will not work for everyone. Librarians and counselors are such different types of teachers and it is very difficult to determine what the student performance piece is going to look like in their evaluation. I received many questions from my colleagues during the interim that I could not answer.

I do not see anything that specifies growth in the part of the bill that speaks to pupil achievement data. That is of special concern to me because I work in a high risk school, with a large number of English language learners (ELL). If there is nothing that accounts for the growth data, it makes me nervous. The schools that do not have high achieving numbers might be uncomfortable. If you can help put those concerns at ease, that would be great.

Rorie Fitzpatrick:

I appreciate your acknowledgment of the change in tone. For a long time, statute has said things like "correct the deficiencies" of a teacher. This was an opportunity to change the language to talk about providing aligned supports. That is not really a change in terms of practice; it is a change in terms of philosophy.

Relative to student achievement data, that means the use of student data. Achievement can be at least two things. In the current model, as regulated by the State Board, it is both proficiency at 5 percent, and growth at 35 percent, and then it is an analysis of the gap between the whole school population and the subgroups at 10 percent. If you think about that, 50 percent of the model is about student performance. We do not call it student achievement; in the model, we call it student performance. If you were to look at the student performance side, fully 70 percent of the student performance is about the growth of the student.

Heading into the field test, we think that is the most fair for the educators. If you have students who are already gifted and exceeding the proficiency, you are still responsible for moving those students forward. If you are a teacher of special populations, as I was, then sometimes your students are below proficiency by quite a bit. I was still charged with moving my students forward. That is the growth perspective that we think, going into the field test, is right. That is one of the things to be tested.

Assemblywoman Diaz:

Is this 5 percent, proficient teacher data, or schoolwide data?

Rorie Fitzpatrick:

At least for now, it depends whether or not you are a teacher in a subject in a grade that is tested by the statewide assessment data. Over time, there is a hope we will grow the assessment sources so we are not as limited by data at hand.

Five percent of the teacher's or administrator's rating is how the student performed—how many students crossed the hurdle. Thirty-five percent of the rating is how did the total, either of the classroom or of the school, look in terms of growth? Ten percent is about the gaps in student subpopulation performance to the whole.

Assemblywoman Diaz:

The gap of growth would be comparing your non-ELL students to your ELL students in achievement? Is that what that alludes to?

Rorie Fitzpatrick:

Really close. You would be comparing your ELL student population, as one example, to the whole school. In the whole school, the students with ELL are in the whole school analysis. Then you are comparing the subgroup to the whole.

Assemblywoman Diaz:

Is the 10 percent a combination of gap growth? You have the individual educational program (IEP) students and ELL students.

Rorie Fitzpatrick:

That is one of the things that is the most murky, that we are still trying to figure out for the validation study going forward. There is not a solid answer for that right now, hence the greater need for testing of this.

Assemblyman Munford:

I am happy to see there is some type of mechanism in place to evaluate administrators. What is the procedure? How will you evaluate administrators? I have always wanted to evaluate mine. They were always evaluating the teacher. Never in reverse. They had problems as well.

Rorie Fitzpatrick:

Absolutely. They deserve actionable data to help them improve or to sustain what they are doing if they are doing the right thing, in the same way that teachers will be evaluated through a structure of observations with before-and-after conferencing with artifact review around the established professional responsibility standards and indicators. With regard to analysis of the student achievement data, so too will the administrators be evaluated.

We have had statutes on the books for quite some time that articulated, in broad detail, evaluating teachers. The components for evaluating administrators were slim. Now, the TLC's models are fully aligned. The same process occurs with an administrator as it does with a teacher. For the first time that is articulated in statute. That helps address the issue of fairness between what we do to and with our teachers and our administrators.

Assemblyman Munford:

It is sometimes difficult to judge the performance of a teacher because of how high school classes are departmentalized. You have honors classes, advanced placement (AP) classes, and you have the average. When you are teaching average students, you are going to have more difficulty because they are marginal students. You do not know what their performance is going to be like, whereas an AP student is already self-motivated, self-driven; anybody could teach them. The students in AP are evaluating the teacher. I found that difference because I taught honors and AP. I saw a different student altogether. It is a tough task for a teacher with an average, marginalized student. How can you fairly and adequately judge a teacher's performance based on those three levels?

Rorie Fitzpatrick:

If we are into philosophical territory versus what is required in the bill, I have many opinions about that. Quickly, so we can focus on the bill, I would say it is incumbent upon the standards and indicators to be exactly right. I would advocate that if, in fact, a teacher were employing the right instructional practices, including a heavy emphasis on student engagement, that should be the work of the teacher to help the average student. I would also suggest that sometimes teaching students who are gifted is hard work because they, with poor instruction, become incredibly disenfranchised and have behavioral challenges.

Relative to this bill, it is important to test the components we have put forward with the standards and indicators. Then, analyze what happens when we compare the different classrooms and what the outcomes look like in terms of the teacher and administrator ratings.

Chairman Elliot Anderson:

Are there any further questions from the Committee? I would like to dovetail onto what Ms. Diaz said. I am looking at the crossed-out language in section 4, subsection 2, on page 8, line 16 of the bill which refers to *Nevada Revised Statutes* (NRS) 386.650. Subsection 1, paragraph (c) of NRS 386.650 says, "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." Is that referring to growth? What exactly does that mean?

Rorie Fitzpatrick:

The law in its original configuration in 2011 was the first time that the use of student achievement data had been permitted for a teacher or administrator evaluation. When the legislation was drafted in 2011, they attached the student achievement data to these three subcomponents, statewide assessments, graduation rate, and attendance rates, in NRS 386.650.

This bill is shifting away from those tightly configured components of graduation, attendance, and the statewide criterion referenced tests, eliminating those components specifically and saying the State Board shall regulate pupil achievement data.

It is our expectation, in fact the State Board has already regulated, the use of the statewide data. By doing this in the regulations, it allows us to grow the number of assessment data sources that we can use. In some cases, we will have far more immediately relevant data for a given teacher. The deliberations you have had around Assembly Bill 288 and the adoption of end-of-course

assessments is a good thing. For example, you may have a ninth-grade English teacher, for whom in the current configuration the only data we have is the high school proficiency examination. Now, with an end-of-course assessment in the ninth grade, we can actually look at the performance of the students in the test, in the subject, at the grade level that the teacher taught. Confining it to just the components of NRS 386.650 eliminates that opportunity.

Chairman Elliot Anderson:

Just like Ms. Diaz, I want some assurance that we are going to stick with growth with our student evaluations. That is important as well. I would like to say for the record that I have a very clear policy preference to make sure we are measuring growth. I am not a teacher like Ms. Diaz, but I hear from parents and teachers that students come into the class and cannot even speak, let alone read and write. There is a lot of work that has to be done at that level.

Assemblyman Stewart:

It is very difficult to evaluate the teacher. There is a great deal of subjectivity involved. In a school, after a period of five or six years, there is a sense among the students, faculty, and the community of who is a good teacher and who is not. I hope this objective evaluation system bears out what the community already knows.

Chairman Elliot Anderson:

Moving on to other things, I have a question about section 1.5 on page 6, regarding the peer reviewing process. Will you state what you are thinking peer teacher evaluations will look like in practice?

Rorie Fitzpatrick:

It will be incumbent upon the State Board of Education to regulate the criteria that an individual must meet in order to become a peer evaluator. Some of the criteria we might use are demonstrated performance or accomplishments, such as achievement of the national board certification process. The State Board will be charged with, based on the recommendations of the TLC, adopting a set of criteria that those individuals must meet.

There is an expectation that there be almost a quasi-certification process in this before you are entitled to be an evaluator. This is to ensure you have the requisite competencies to generate the data in ways that are valid and reliable.

Chairman Elliot Anderson:

Part of the purpose of that is to take some of the burden off of managing multiple observations. Correct?

Rorie Fitzpatrick:

It is both the burden of management and it is the assurance of a deep enough content knowledge in a given subject area to provide a meaningful evaluation. Picture an administrator who comes from a civics background who is now a high school administrator who is walking in to evaluate an advanced physics class. You might struggle to understand the content. Having a peer who understands advanced physics could perhaps be very useful.

Chairman Elliot Anderson:

Looking at page 7, there is some new language in section 3 starting on line 14 talking about providing administrative services, dealing with excluding some administrators. Can you talk about the intent behind that? Who would be excluded?

Rorie Fitzpatrick:

Recall earlier, I was talking about administrator as defined in statute last session meant any person who was employed as an administrator in the district. We know that was intended to mean school-level administrators. It is true that, in Nevada, different districts treat differently the licensure and employment of individuals who function as school administrators.

In Washoe County School District, deans of students, for all intents and purposes, function as administrators. They are engaged in student discipline, provide instructional coaching upon occasion, and other administrative functions. They are not assigned to a classroom. In Washoe County licensed teachers act in that capacity.

In Clark County School District, they are licensed administrators and would be evaluated as administrators by default. In Washoe County, without this technical change in the statute, we would be required to evaluate that dean of students as a teacher. That would not be fair because they do not have the opportunity to practice the standards to which we would be holding them accountable.

Chairman Elliot Anderson:

I have another question about page 9, line 4, talking about evaluations. A probationary teacher must be evaluated three times. To be clear, those are interim evaluations, which lead to the sum evaluation at the end of the year, so it would be one rating. Correct?

Rorie Fitzpatrick:

That is exactly right. The reason it reads in the bill as evaluations rather than observations is a teacher or an administrator should want many observations

happening all of the time in the school. A good administrator is in the teacher's classroom at least every couple of weeks. However, those should not necessarily be formal, announced evaluation observations; it is just part of the process to provide support to the teacher as well as for the administrator to ensure they know what is going on.

You are correct. The evaluations are in here as interim data points, and then one summative rating occurs once in each year.

Chairman Elliot Anderson:

Subsection 8, on page 10, starting on line 10, is talking about adopting regulations. You are going to be working with the TLC recommendations?

Rorie Fitzpatrick:

Yes. The strikethroughs are old criteria that, prior to the movement of the TLC, were required criteria teachers were evaluated against. Now the two components of instructional practice of the teacher and an evaluation of the professional responsibilities are the domains established by the TLC and regulated by the State Board. This statutorily provides alignment to what the TLC recommended and the State Board, in turn, adopted.

Assemblyman Munford:

I have a concern about administrators because I was under so many when I was teaching. You mentioned the ability of an administrator to take over a classroom and be able to instruct. Is the administrator supposed to be a master teacher? Is their background necessarily that they have been in a classroom for a certain period of time?

It is difficult to teach under pressure when the administrator is always looking in your classroom or walking by. An administrator should come in every other week and give you some assurances, some morale boosters. The principal should be able to provide morale. The principal should go into the classroom to say the teacher is doing a good job, not just to find something negative. Give that teacher a pat on the back like a coach in sports. Let the teacher know that, if they have a problem, to come see the principal after school. That is a quality administrator.

As to the master teacher, they should be. I do not know to what extent, but they should have been in a classroom. Many administrators have never been in a classroom.

Chairman Elliot Anderson:

In looking at this bill, I think it does a lot to help with that. It allows peer reviewers or other teachers who have eaten the same dirt as those teachers in the classroom right now. That is an improvement with our evaluation systems. I voted against a bill last session because it took out the requirement for administrators to spend at least one day in the classroom each year. I like the provisions here that allow peer reviewers to get into the classroom. It provides very helpful experience for evaluations.

Assemblywoman Diaz:

Some of us on the Committee are having difficulty getting a good sense of what an evaluation is. My evaluation before I came up here was based on a rubric that rated the professional domains and me. If I were a 1, that meant ineffective. It then goes up to 4, meaning highly effective. Can you walk the Committee through how an evaluation is laid out for an administrator or a teacher? I think it is a unique blend of points, percentages, and a grading system. Then I can know how the 50 percent is going to fit into the evaluation I currently know.

Rorie Fitzpatrick:

I am trying to think how to boil down a complicated subject into a two-minute tutorial. I can provide you with written documents, or you could look back to the information that was provided in February.

In short, there is a set of standards, what we expect teachers and administrators to know and be able to do. There is a set of indicators that "indicate" you are on point. There are things in an observation model that we look for to indicate you have met the standard. There is an artifact review, like a checklist, to say on the professional responsibility side, what did the teacher or administrator do to engage families in this process. In a portfolio, you could say here is the way you engaged with families of the students in your class every week. You sent home sight words to practice, met with the family and talked about the books the child was interested in, sent home sample books and attached examples of questions about the book to help the child think about learning comprehension.

You could think of it as a set of tools to help collect information to indicate whether the standard had been met.

Assemblyman Eisen:

I evaluate students and instructors myself. We need to be clear what the basis for evaluation is. We need to be up front about that and make sure it is fair and reasonable. We need to make sure it is clear and consistently applied. It is not

so much a question about that, it is in terms of the intent of what we are trying to do with development of that system by the TLC. We have to make sure the measure against which teachers will be held, certainly first and foremost, makes sense. In addition, it needs to be clear to them that they know what the measurement is going to be so they can respond. There is a lot of angst in the teaching community about how this is going to be done and is this going to be the right measures and how will we know what is coming.

It is going to have to be very clear, and I understand that it is not today. I am not asking that it be clear today, but it has to be clear. That is the intent. We are fair and we are clear.

Rorie Fitzpatrick:

I personally share some of that angst. I am very clear on the standards and indicators on the input side, the professional responsibilities, instructional practices, and leadership. The degree to which those are driven by research is clear. Whether or not they are adequately worded and whether or not the indicators are just right and whether or not the collection tools to gather the data are aligned to gather valid and reliable data, we do not yet know. It is the best first shot based on a very well-reasoned set of premises informed by a robust research pool. Hence the need for the field-testing. We cannot afford to get this wrong. It would not be fair to the students, educators, or to the public. It would send wrong information that would yield wrong decisions.

Chairman Elliot Anderson:

I realize I may have confused some Committee members. When we are talking about peer reviewers, they would not actually decide the final evaluation. They would be helping with the observation portions in the classroom. Correct?

Rorie Fitzpatrick:

Peer evaluators would assist in gathering the data that would inform an evaluation. That evaluation would never be made without the active engagement of the administrator or supervisor. While the peers would help generate the data, they would never be in a decision-making mode regarding the rating.

Chairman Elliot Anderson:

We will open the tables for those in support of Senate Bill 407 (2nd Reprint).

Craig Stevens, representing Nevada State Education Association:

We are in full support of S.B. 407 (R2). The peer reviewers are an exciting way to ensure that not only do the principals have the time to fully evaluate our

educators, but to also bring in those with expertise in those subjects to get better.

We also fully support the idea of the validation study. One of the key things about this evaluation is that our educators have to feel supported. If we dive right into this and the decisions being made are not the proper ones, because we have not tested it, all of the great work by the TLC, this Committee, and everyone else involved will be for naught. It would waste a lot of money and time, and our educators will still be in the same place.

Stephen Augspurger, representing Clark County Association of School Administrators:

We are in full support of S.B. 407 (R2) and agree with the comments my colleague Mr. Stevens has made.

Additionally, I am here on behalf of Lonnie Shields, who is the Deputy Executive Director of the Nevada Association of School Administrators. He, too, is in full support of this bill, as is the Nevada Association of School Administrators.

Dotty Merrill, representing Nevada Association of School Boards:

We are supportive of S.B. 407 (R2). To take you back to one of the statements Ms. Fitzpatrick made, there are two important parallel pieces to this bill. The first is to design a system that will improve instruction, and the second is to provide professional development that is also appropriate and helpful in improving instruction.

This bill works hand in hand with a bill that has previously been considered, and that is Senate Bill 447 regarding the regional professional development programs (RPDP). There are two important pieces of that bill related to questions asked regarding this bill.

There are two goals for professional development included in Senate Bill 447. First is that teachers and administrators become aware through professional development of the recommendations of the TLC and what that means for them. How does it work? What will be needed?

The second is that, based on those evaluations, professional development will be provided to improve performance. There will be clear and consistent information provided regarding the evaluation system for both groups as well as training for administrators to ensure they are bringing consistency to the evaluations they do.

On page 6 of the bill, section 2 delays the implementation of a program for pay-for-performance until the 2015-2016 school year. School boards have been concerned about developing these programs too early before the validation has occurred and the use of the evaluation system was not fully vetted. We also have concerns regarding resources to be able to put pay-for-performance into place. The validation study, as described in the bill in section 16.3 on pages 20 and 21 is critical. We also support, in section 16.3, the position and the role of the Interim Finance Committee to help make a determination whether all school districts are prepared to proceed.

In section 9, on page 17, starting on line 9, the additional work the TLC will be doing to focus on librarians, counselors, and other licensed personnel is an important piece to move forward.

We also strongly support the peer evaluation, and the opportunities for growth and professional development that will be provided for the educators to participate in.

Nicole Rourke, representing Clark County School District:

We would like to thank the Teachers and Leaders Council (TLC) and its very conscientious members for the thorough and amazing work they have done on the new teacher evaluation and administrator system. We support the bill. Not only do we think the extension of time is important to get it right, but the proposed validation studies within the bill are essential to ensure appropriate evaluations of teachers and improving instruction for students.

We appreciate the work and support the bill.

Lindsay Anderson, representing Washoe County School District:

We are also here in support of S.B. 407 (R2). We have participated in and led some of the discussions of the TLC and will continue to do so.

Our district is taking an interesting position in requesting language in the bill to be able to move faster if our district chooses. We have been the recipient of the Teacher Incentive Fund grant from the U.S. Department of Education. While this validation absolutely needs to occur statewide, it has been happening within our district over the past couple of years. We have already begun a pay-for-performance framework. We would like the ability to continue to do that, which this bill allows us to do, in addition to using the student achievement data in validating some of that as the state goes through the process.

We appreciate the bill's sponsor being able to work with our district, and our being a unique situation, but we are in support. We will continue to work with the TLC over the interim.

Mary Pierczynski, representing Nevada Association of School Superintendents:

This is very important to the superintendents to have a validation period. I hope we can get it done in a year. The TLC has been amazing to come up with this whole process to begin with.

Chairman Elliot Anderson:

I know there are sections which allow school districts to apply to go out on their own, even before the validation study is complete. Are there any districts that any of you at the table know of planning on going out ahead of the other districts?

Lindsay Anderson:

Our district will apply to move forward on some pieces, depending on the work we have already done within our district. There are some places we will be out in front of and, in fact, already are. There are other places where we will want to participate in the validation study along with the state.

That is how we crafted the language to make sure it would not negatively affect us moving forward.

Nicole Rourke:

We have been following the work of the TLC very closely. We did not want to get too far out in front of that work in order to see to what level of detail they were going to in developing rubrics. We are looking forward to seeing those tools. We have not made a determination at this time.

Mary Pierczynski:

I am not aware of any of the other 15 rural districts that are planning to go out in front of the validation period.

Erin McMullen, representing Las Vegas Metro Chamber of Commerce:

For the record, we are also supportive of this bill and appreciate the work of the TLC over the interim. They have put in many hours, and I have attended some of those meetings. The Chamber has long been an advocate of pay-for-performance and making sure we get these performance evaluations and the rubrics and metrics right. We understand the need for the delay in order to make sure we get it right.

Ron Dreher, representing Washoe School Principals' Association:

Senate Bill 407 (2nd Reprint) is on point and it is needed. I agree with Mr. Munford, administrators need to be evaluated too. It has been my experience that they are being evaluated in Washoe County. They do a good job of it. I have represented some of those in those processes and it is a good thing. This is more icing on the cake for what is needed.

Chairman Elliot Anderson:

Is there any further support of S.B. 407 (R2) either here in Carson City or in Las Vegas? [There was none.] Is there anyone opposed? [There was no one.] Is there anyone in neutral? [There was no one.] Ms. Fitzpatrick, do you have any concluding remarks? [There were none.]

Chairman Elliot Anderson:

Did you have an amendment? I want to make sure we get that on the record.

Rorie Fitzpatrick:

It is an amendment that is on Nevada Electronic Legislative Information System (NELIS). When I reviewed all of the sections for you, I included content that is both in the second reprint as well as in the amendment. It would be wonderful for you to ensure that the amendment moves forward as part of the passage process.

Chairman Elliot Anderson:

I do not see an amendment on NELIS.

Rorie Fitzpatrick:

Amendment 850.

[Amendment 850 is incorporated in the second reprint.]

Chairman Elliot Anderson:

We will close the hearing on Senate Bill 407 (2nd Reprint). Is there a motion for do pass?

ASSEMBLYWOMAN DIAZ MOVED TO DO PASS
SENATE BILL 407 (2ND REPRINT).

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

Is there any discussion?

THE MOTION PASSED. (ASSEMBLYWOMAN NEAL WAS ABSENT FOR THE VOTE.)

As the bill's cosponsor, I will give the floor session to Ms. Dondero Loop.

I will open the hearing on Senate Bill 328 (2nd Reprint).

**Senate Bill 328 (2nd Reprint): Makes various changes relating to education.
(BDR 34-937)**

Senator James A. Settelmeyer, Senatorial District No. 17:

I want to thank Chairman Anderson for scheduling us on a Saturday. Senate Bill 328 (2nd Reprint) has been a long time in getting to you. This is an issue dealing with Career and Technical Education (CTE) and the funding thereof. Agreements have occurred in the past with previous directors and heads of Career and Technical Education. What has occurred over the years is a bit of inconsistency. That inconsistency has caused problems for CTE in the form of predictability. This bill is seeking to put down the agreement of all of the parties of how CTE should be funded going forward in a concise manner to ensure predictability. More importantly, it is very important to have business involved in CTE. When the businesses are involved, we will make sure to produce the product they need. In addition, it is more likely private industry will bring private dollars to participate. In these economic times, it is more important than ever.

Career and Technical Education provides students with a better opportunity, especially for those not necessarily going on to college. In fact, their graduation rates range from 8 to 10 percent higher than other students do. Again, it helps provide better motivation for students to participate in schools.

Nevada has six CTE programs that are currently offered. There is agriculture and natural resources, business and marketing, family and consumer sciences, health sciences and public safety, information and media technology, and skilled and technical sciences. There are many opportunities for students to participate.

This bill tries to create predictability and has taken a long time to get before you. Some of the first drafts of the bill had technical problems that created fiscal notes. We have gone through everything with Rorie Fitzpatrick and are in agreement with the bill. The fiscal note came off.

I have provided a walkthrough in Nevada Electronic Legislative Information System (NELIS) for you that goes through every section of the bill, and I will tell

you why the changes have been made or requested. This is not an amendment; it is just a walkthrough.

Chairman Elliot Anderson:

I am not seeing this on NELIS either. Maybe something is wrong with NELIS today. Just walk us through.

Senator Settelmeyer:

Section 1, indicates we will be changing other sections within Chapter 388 of Nevada Revised Statutes (NRS).

Section 2 states, "The Executive Officer of the State Board for Career and Technical Education shall appoint a person to oversee programs of career and technical education." Simply put, the head of the Department of Education, currently Rorie Fitzpatrick, will appoint someone, to fill any vacancy that might occur in the position currently held by Mr. Mike Raponi. The reason this was put into law is the fact that in the past, there have been occasions where there would be a vacancy and there would not be a rush to put someone in that position, then it stymies the whole process. This makes it clear that the appointment needs to be done.

Section 3 goes into the allocation of funds. In the past, it stated 5 percent of the money could be used from CTE funds for leadership and training activities. There is a federal maximum of 10 percent. Currently, they are using a little over 6 percent. We want to set that in stone only up to 7.5 percent. Again, we want to make sure the CTE funds get to the students and not eaten up with administration. That is section 3, subsection 1.

Section 3, subsection 2, goes into the distribution of grants. Under the older formulas, there was a set amount of money. In these economic times and with fluctuations, it would be terrible to have a situation where all of the money was used in one program. We felt a fixed percentage would be more reasonable and would provide some predictability in case funds should become greater or if there were cuts.

There is a percentage for student organizations such as Future Farmers of America and other organizations of that nature. There is the ability to award up to 5 percent to those student organizations. Within that, only 7.5 percent is designated for the leadership activities, as defined under section 3, subsection 5.

Section 4 addresses the process for the school board to apply for the grants and the procedures for those applications from the school board to the industry sector councils that are established in *Nevada Revised Statutes* (NRS) 232.935 and then the criteria that the council review those applications. They do not have the final say. The final say will still reside within the Department head, which is currently Rorie Fitzpatrick. They would only give recommendations of how they felt the grant applications came out and which ones they thought were the most meritorious, although just recommendations that would help ensure that private business is involved.

Section 4.5 discusses the pupil organization grant process.

Section 5 includes rules to distribute the remainder of the CTE funds that were not discussed earlier.

Section 6 was deleted by amendment. The match criteria was deleted as some of the school districts had a problem with it.

Section 7 states that any funds not distributed will not revert back, but are held for further distribution. This is important because many times within the CTE field, certain organizations may want to save up some money for other big projects. If every year, that money has to revert to the State General Fund, it creates a problem. This will give them a mechanism to be able to save up money to make a big purchase.

Section 8 is the procedure to ensure funds are spent appropriately and an evaluation method. Section 12 is the effective date.

Chairman Elliot Anderson:

Are there any questions for Senator Settlemeyer? [There were none.] We will open the table for support of S.B. 328 (R2). [There was no one.] Is there anyone in opposition? [There was no one.] Is there anyone in the neutral position?

Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department of Education:

I want to acknowledge and appreciate the leadership of Senator Settlemeyer in meeting with us to resolve our concerns about this bill and enabling us to remove the fiscal note.

Chairman Elliot Anderson:

Is there further testimony in any category either in Carson City or in Las Vegas? [There was none.] Senator Settlemeyer, do you have any concluding remarks?

Senator Settlemeyer:

I really appreciate Ms. Fitzpatrick's working with me as well, and coming to a resolution that will benefit all of the students who participate in Career and Technical Education. It is an important matter and as we are seeing the desire of the students who participate in CTE, it is very beneficial.

Chairman Elliot Anderson:

I am seeing no further questions, so we will close the hearing on S. B. 328 (R2). We will try to have a work session tomorrow. We will give the bill 24 hours.

Senator Settlemeyer:

I appreciate the opportunity to speak. There were many teachers that wanted to help, but it was the last day of school and they wanted to leave.

Chairman Elliot Anderson:

I will get with the Committee to see if anyone has concerns. Is there any public comment? [There was none.] We have heard there may be mock-up on the last bill we just passed that is not showing up. We will keep things flexible for now.

The meeting is recessed to the call of the Chair [at 3:05 p.m.].

The Assembly Committee on Education is reconvened and adjourned [at 1:00 p.m., June 2, 2013].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Elliot T. Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: June 1, 2013

Time of Meeting: 1:51 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster