

ASSEMBLY BILL NO. 447—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to the statewide performance evaluation system. (BDR 34-1120)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; authorizing the State Board of Education to provide for evaluations of certain licensed educational personnel and determine the manner in which to measure the performance of such personnel; revising provisions relating to pupil achievement data used as a part of the statewide performance evaluation system; revising the evaluation of teachers and administrators under the statewide performance evaluation system; requiring the State Board to designate assessments that may be used to determine pupil achievement and prescribe the evaluation system and tools to be used by a school district for measuring of an employee's performance; authorizing a school district to apply to the State Board to use an evaluation system and tools and assessments that are different from those prescribed by the State Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires the State Board of Education to establish a statewide
- 2 performance evaluation system which incorporates multiple measures to evaluate
- 3 the overall performance of certain employees. (NRS 391.465) **Section 10** of this
- 4 bill requires the State Board to prescribe the tools to be used by a school district for
- 5 obtaining such measures. **Section 10** also allows a school district to apply to the
- 6 State Board to use an evaluation system and tools that are different than the
- 7 evaluation system and tools prescribed by the State Board.
- 8 Existing law requires the statewide performance evaluation system to: (1)
- 9 prescribe the pupil achievement data that must be used as a part of the evaluation



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system; and (2) require that pupil achievement data account for at least 50 percent of the evaluation of certain employees. (NRS 391.465) **Sections 10 and 16** of this bill remove the requirement that pupil achievement data must be used as a part of the evaluation system for the 2015-2016 school year. **Sections 11 and 16** of this bill reinstate the requirement that pupil achievement data must be used as a part of the evaluation system and provides that, for the 2016-2017 school year: (1) pupil achievement data derived from statewide examinations and assessments must account for at least 10 percent of the evaluation of a teacher when applicable; and (2) pupil achievement data derived from assessments approved by the board of trustees of the school district that employs the teacher must account for at least 10 percent of the evaluation. **Section 11** also: (1) requires the State Board to designate the assessments that may be used by a school district to determine pupil achievement; and (2) authorizes the board of trustees of a school district to apply to the Superintendent of Public Instruction for approval to use a different assessment. **Sections 12 and 16** of this bill provide that, beginning with the 2017-2018 school year: (1) pupil achievement data derived from statewide examinations and assessments must account for at least 20 percent of the evaluation of a teacher when applicable; and (2) pupil achievement data derived from assessments approved by the board of trustees of the school district that employs the teacher must account for at least 20 percent of the evaluation.

Existing law requires the board of trustees of each school district to develop a policy for objective evaluations of teachers and administrators that complies with the statewide performance evaluation system established by the State Board. Existing law requires this policy to include an evaluation of counselors, librarians and other licensed personnel. (NRS 391.3123, 391.3125) **Section 4** of this bill authorizes the State Board to provide for the evaluation of counselors, librarians and other licensed educational personnel and determine the manner in which to measure the performance of such personnel. **Sections 6 and 8-12** of this bill require this policy to provide for the evaluation of administrators at a district level who provide direct supervision of the principal of a school.

Existing law requires each probationary teacher or administrator to receive three evaluations during each school year of his or her probationary employment. (NRS 391.3127, 391.3129) **Sections 5 and 6** of this bill require a probationary teacher or administrator to instead receive one evaluation during the first school year of his or her probationary employment that must be based in part upon at least three scheduled observations of the teacher or administrator. **Sections 5 and 6** also: (1) reduce the number of observations required for a probationary teacher or administrator during his or her second and third years of probationary employment whose performance is designated as highly effective or effective; and (2) require a probationary teacher or administrator whose performance is designated as minimally effective or ineffective to continue to receive three observations.

Existing law also requires each postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as minimally effective or ineffective to be evaluated three times. (NRS 391.3125, 391.3127) **Sections 5 and 6** instead require such a teacher or administrator to receive one evaluation which must be based in part upon at least three scheduled observations. Existing law requires a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as highly effective or effective to receive one evaluation which must be based in part upon at least: (1) one scheduled observation, if the teacher or administrator receives an evaluation designating his or her overall performance as highly effective; or (2) two scheduled observations, if the teacher or administrator receives an evaluation designating his or her overall performance as effective. (NRS 391.3125, 391.3127) **Sections 5 and 6** instead require such an evaluation to be based on one scheduled observation.



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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.347 and 385.3572; and

(2) In a separate reporting for each group of pupils identified in the statewide system of accountability for public schools;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State;

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school; and

(3) Which must, to the extent money is available for this purpose, include, without limitation, a unique identifier for each pupil whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in a manner that will allow for the disaggregation of each category;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the ratings of schools and, if available, school districts pursuant to the statewide system of accountability for public schools and an identification of which schools, if any, are persistently dangerous;



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(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

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

➤ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. ~~Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, information on pupil achievement data, as prescribed by the State Board pursuant to NRS 391.465, must account for at least 50 percent, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee.~~

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

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

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

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

3. The Superintendent of Public Instruction shall:

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

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

(c) Prescribe the format for the data;

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

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

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



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

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

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

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

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

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

Sec. 4. NRS 391.3123 is hereby amended to read as follows:

391.3123 ~~Commencing with the 2015-2016 school year, the board of trustees of each school district shall implement and carry out the policy~~ *The State Board may provide* for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, ~~required by NRS 391.3125,~~ *and determine the manner in which to measure the performance of such personnel, including, without limitation, whether to use pupil achievement data as part of the evaluation.*



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1 **Sec. 5.** NRS 391.3125 is hereby amended to read as follows:

2 391.3125 1. It is the intent of the Legislature that a uniform
3 system be developed for objective evaluation of teachers ~~and other~~
4 ~~licensed personnel~~ in each school district.

5 2. Each board, following consultation with and involvement of
6 elected representatives of the teachers or their designees, shall
7 develop a policy for objective evaluations *of teachers* in narrative
8 form. The policy must comply with the statewide performance
9 evaluation system established by the State Board pursuant to NRS
10 391.465. ~~The policy must set forth a means according to which an~~
11 ~~employee's overall performance is determined to be highly~~
12 ~~effective, effective, minimally effective or ineffective. Except as~~
13 ~~otherwise provided in subsection 9, the policy must require that~~
14 ~~pupil achievement data, as prescribed by the State Board pursuant to~~
15 ~~NRS 391.465, account for at least 50 percent of the evaluation.~~ The
16 policy may include an evaluation by the teacher, pupils,
17 administrators or other teachers or any combination thereof. ~~In a~~
18 ~~similar manner, counselors, librarians and other licensed personnel~~
19 ~~must be evaluated.~~ A copy of the policy adopted by the board must
20 be filed with the Department. The primary purpose of an evaluation
21 is to provide a format for constructive assistance. Evaluations, while
22 not the sole criterion, must be used in the dismissal process.

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

27 4. A probationary teacher must ~~be evaluated three times~~
28 *receive one evaluation* during each school year of his or her
29 probationary employment. ~~Each~~ The evaluation must ~~include~~ *be*
30 *based in part upon* at least ~~one~~ *three* scheduled ~~observation~~
31 *observations* of the teacher during the *first* school year *of his or her*
32 *probationary period* as follows:

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

35 (b) The second scheduled observation must occur after 40 days
36 but within 80 days after the first day of instruction of the school
37 year; and

38 (c) The third scheduled observation must occur after 80 days but
39 within 120 days after the first day of instruction of the school year.

40 5. *If a probationary teacher receives an evaluation*
41 *designating his or her overall performance as effective or highly*
42 *effective:*

43 (a) *During the first school year of his or her probationary*
44 *period, the evaluation during the second school year of the*
45 *probationary period must be based in part upon at least two*



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1 *scheduled observations of the teacher which must occur within the*
2 *times specified in paragraphs (b) and (c) of subsection 4.*

3 *(b) During the first and second school years of his or her*
4 *probationary period, the evaluation during the third school year of*
5 *the probationary period must be based in part upon at least one*
6 *scheduled observation of the teacher which must occur within 120*
7 *days after the first day of instruction of the school year.*

8 *6. If a probationary teacher receives an evaluation*
9 *designating his or her overall performance as minimally effective*
10 *or ineffective during the first or second school year of the*
11 *probationary period, the probationary teacher must receive one*
12 *evaluation during the immediately succeeding school year which*
13 *is based in part upon three observations which must occur in*
14 *accordance with the observation schedule set forth in subsection 4.*

15 *7. If a postprobationary teacher receives an evaluation*
16 *designating his or her overall performance as minimally effective or*
17 *ineffective, the postprobationary teacher must ~~be evaluated three~~*
18 *~~times~~ receive one evaluation* in the immediately succeeding school
19 *year ~~which is based in part upon three observations which must~~*
20 *occur* in accordance with the observation schedule set forth in
21 subsection 4. If a postprobationary teacher ~~is evaluated three times~~
22 ~~in a school year and he or she~~ receives ~~an evaluation designating~~
23 *evidence from the first two observations during the school year*
24 *indicating that, unless his or her performance improves,* his or her
25 overall performance ~~as~~ *may be rated as* minimally effective or
26 ineffective ~~on the first or second evaluation, or both evaluations,~~
27 *on the evaluation,* the postprobationary teacher may request that the
28 third ~~evaluation~~ *observation* be conducted by another
29 administrator. If a postprobationary teacher requests that his or her
30 third ~~evaluation~~ *observation* be conducted by another
31 administrator, that administrator must be:

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

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

37 ~~6-1~~ *8. If a postprobationary teacher receives an evaluation*
38 *designating his or her overall performance as effective ~~1~~ or highly*
39 *effective, the postprobationary teacher must ~~be evaluated~~ receive*
40 *one ~~time~~ evaluation* in the immediately succeeding school year.
41 The evaluation must ~~include at least two scheduled observations as~~
42 ~~follows:~~

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



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

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

~~8.1~~ **9.** The evaluation of a probationary teacher or a postprobationary teacher pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

(a) An evaluation of the instructional practice of the teacher in the classroom;

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

(c) Except as otherwise provided in subsection ~~9.1~~ **10**, an evaluation of the performance of pupils enrolled in the school;

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

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

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

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

~~9.1~~ **10.** The evaluation of a probationary teacher in his or her initial year of employment as a probationary teacher must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

~~10.1~~ **11.** The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to improve his or her performance based upon the recommendations reported in the evaluation of the teacher.



1 **Sec. 6.** NRS 391.3127 is hereby amended to read as follows:

2 391.3127 1. Each board, following consultation with and
3 involvement of elected representatives of administrative personnel
4 or their designated representatives, shall develop an objective policy
5 for the objective evaluation of administrators in narrative form. The
6 policy must provide for the evaluation of those administrators who
7 provide primarily administrative services at the school level and
8 who do not provide primarily direct instructional services to pupils,
9 regardless of whether such an administrator is licensed as a teacher
10 or administrator, including, without limitation, a principal and a vice
11 principal. *The policy must also provide for the evaluation of those*
12 *administrators at the district level who provide direct supervision*
13 *of the principal of a school.* The policy must comply with the
14 statewide performance evaluation system established by the State
15 Board pursuant to NRS 391.465. ~~The policy must set forth a means~~
16 ~~according to which an administrator's overall performance is~~
17 ~~determined to be highly effective, effective, minimally effective or~~
18 ~~ineffective. Except as otherwise provided in subsection 8, the policy~~
19 ~~must require that pupil achievement data, as prescribed by the State~~
20 ~~Board pursuant to NRS 391.465, account for at least 50 percent of~~
21 ~~the evaluation.~~ The policy may include an evaluation by the
22 administrator, superintendent, pupils or other administrators or any
23 combination thereof. A copy of the policy adopted by the board
24 must be filed with the Department and made available to the
25 Commission.

26 2. The person charged with the evaluation of an administrator
27 pursuant to this section shall hold a conference with the
28 administrator before and after each scheduled observation of the
29 administrator during the school year.

30 3. A probationary administrator must ~~be evaluated three~~
31 ~~times~~ *receive one evaluation* during each school year of his or her
32 probationary employment. ~~Each~~ *The* evaluation must ~~include~~ *be*
33 *based in part upon* at least ~~one~~ *three* scheduled ~~observation~~
34 *observations* of the probationary administrator during the *first*
35 school year *of his or her probationary period which must occur* as
36 follows:

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

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

42 (c) The third scheduled observation must occur after 80 days but
43 within 120 days after the first day of instruction of the school year.



1 4. *If a probationary administrator receives an evaluation*
2 *designating his or her overall performance as effective or highly*
3 *effective:*

4 (a) *During the first school year of his or her probationary*
5 *period, the evaluation during the second school year of the*
6 *probationary period must be based in part upon at least two*
7 *scheduled observations of the administrator which must*
8 *occur within the times specified in paragraphs (b) and (c) of*
9 *subsection 3.*

10 (b) *During the first and second school year of his or her*
11 *probationary period, the evaluation during the third school year of*
12 *the probationary period must be based in part upon at least one*
13 *scheduled observation of the administrator which must occur*
14 *within 120 days after the first day of instruction of the school year.*

15 5. *If a probationary administrator receives an evaluation*
16 *designating his or her overall performance as minimally effective*
17 *or ineffective during the first or second school year of the*
18 *probationary period, the probationary administrator must receive*
19 *one evaluation during the immediately succeeding school year*
20 *which is based in part upon three observations which must occur*
21 *in accordance with the observation schedule set forth in*
22 *subsection 3.*

23 6. If a postprobationary administrator receives an evaluation
24 designating his or her overall performance as minimally effective or
25 ineffective, the postprobationary administrator must ~~be evaluated~~
26 ~~three times~~ *receive one evaluation* in the immediately succeeding
27 school year *which is based in part upon three observations which*
28 *must occur* in accordance with the observation schedule set forth in
29 subsection 3. If a postprobationary administrator ~~is evaluated three~~
30 ~~times in a school year and he or she~~ receives ~~an evaluation~~
31 ~~designating~~ *evidence from the first two observations indicating*
32 *that, unless his or her performance improves,* his or her overall
33 performance ~~as~~ *may be rated as* minimally effective or ineffective
34 ~~on the first or second evaluation, or both evaluations,~~ *on the*
35 *evaluation,* the postprobationary administrator may request that the
36 third ~~evaluation~~ *observation* be conducted by another
37 administrator. If a postprobationary administrator requests that his
38 or her third ~~evaluation~~ *observation* be conducted by another
39 administrator, that administrator must be:

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

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



~~15.1~~ 7. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective ~~or highly effective~~, the postprobationary administrator must ~~be evaluated~~ *receive* one ~~time~~ *evaluation* in the immediately succeeding school year. The evaluation must ~~include at least two scheduled observations as follows:~~

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

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

~~6. If a postprobationary administrator receives an evaluation designating his or her overall performance as highly effective, the postprobationary administrator must be evaluated one time in the immediately succeeding school year. The evaluation must include~~ *be based in part upon* at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

~~17.1~~ 8. The evaluation of an administrator pursuant to this section must comply with the regulations of the State Board adopted pursuant to NRS 391.465, which must include, without limitation:

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

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

(c) Except as otherwise provided in subsection ~~18.1~~ 9, an evaluation of the performance of pupils enrolled in the school;

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

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

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

~~18.1~~ 9. The evaluation of a probationary administrator in his or her initial year of probationary employment must not include an evaluation of the performance of pupils enrolled in the school. This subsection does not apply to a postprobationary employee who is deemed to be a probationary employee pursuant to NRS 391.3129.

~~19.1~~ 10. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

~~10.1~~ 11. Before a superintendent transfers or assigns an administrator to another administrative position as part of an



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

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

391.3129 A postprobationary employee who receives an evaluation designating his or her overall performance as:

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

~~(a)~~ Minimally effective;

~~(b)~~ 2. Ineffective; or

~~(c)~~ 3. Minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period, ~~or~~

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

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

Sec. 8. NRS 391.460 is hereby amended to read as follows:

391.460 1. The Council shall:

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

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

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



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

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

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

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

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

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

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

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

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

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

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level and administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct



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1 instructional services to pupils, regardless of whether licensed as a
2 teacher or administrator, including, without limitation, a principal
3 and vice principal are:

4 (1) Evaluated using multiple, fair, timely, rigorous and valid
5 methods **†**, *which includes evaluations based upon pupil*
6 *achievement data as required by NRS 391.465;*

7 (2) Afforded a meaningful opportunity to improve their
8 effectiveness through professional development that is linked to
9 their evaluations; and

10 (3) Provided with the means to share effective educational
11 methods with other teachers and administrators throughout this
12 State.

13 (b) Develop and recommend to the State Board a plan, including
14 duties and associated costs, for the development and implementation
15 of the performance evaluation system by the Department and school
16 districts.

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

21 (d) Develop and recommend to the State Board a process for
22 peer evaluations of teachers by qualified educational personnel
23 which is designed to provide assistance to teachers in meeting the
24 standards of effective teaching, and includes, without limitation,
25 conducting observations, participating in conferences before and
26 after observations of the teacher and providing information and
27 resources to the teacher about strategies for effective teaching.

28 2. The performance evaluation system recommended by the
29 Council must ensure that:

30 (a) Data derived from the evaluations is used to create
31 professional development programs that enhance the effectiveness
32 of teachers and administrators; and

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

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

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



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

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

2. The statewide performance evaluation system must:

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

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

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

~~(c) Except as otherwise provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS 391.3127, require that pupil achievement data account for at least 50 percent of the evaluation.~~

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

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

~~(f)~~ (d) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State



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Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

Sec. 11. NRS 391.465 is hereby amended to read as follows:

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

2. The statewide performance evaluation system must:

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

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.

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

(c) *Except as otherwise provided in subsection 10 of NRS 391.3125 and subsection 9 of NRS 391.3127, require that pupil achievement data account for at least 20 percent of the evaluation.*

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

(1) *Pupil achievement data derived from statewide examinations and assessments must account for at least 10 percent of the evaluation of a teacher or administrator, as applicable; and*

(2) *Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least 10 percent of the evaluation.*

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



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principal, employs practices and strategies to involve and engage the parents and families of pupils.

~~(d)~~ (f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. *The State Board shall, by regulation, designate the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.*

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

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

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

2. The statewide performance evaluation system must:

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

- (1) Highly effective;
- (2) Effective;
- (3) Minimally effective; or
- (4) Ineffective.



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

(c) Except as otherwise provided in subsection 10 of NRS 391.3125 and subsection 9 of NRS 391.3127, require that pupil achievement data account for at least ~~120~~ 40 percent of the evaluation.

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

(1) Pupil achievement data derived from statewide examinations and assessments must account for at least ~~110~~ 20 percent of the evaluation of a teacher or administrator, as applicable; and

(2) Pupil achievement data derived from assessments approved by the board of trustees of a school district that employs the teacher or administrator, as applicable, must account for at least ~~110~~ 20 percent of the evaluation.

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

(f) Include a process for peer evaluations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer reviews pursuant to the process.

3. The State Board shall, by regulation, designate the assessments that may be used by a school district to determine pupil achievement pursuant to subparagraph (2) of paragraph (d) of subsection 2. The board of trustees of a school district may select one or more of the assessments designated by the State Board to determine pupil achievement, or the board of trustees may apply to the Superintendent of Public Instruction for approval to use a different assessment to determine pupil achievement.

4. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the



1 evaluation system and tools prescribed pursuant to subsection 1. The
2 application must be in the form prescribed by the State Board and
3 must include, without limitation, a description of the evaluation
4 system and tools proposed to be used by the school district. The
5 State Board may approve the use of the proposed evaluation system
6 and tools if it determines that the proposed evaluation system and
7 tools apply standards and indicators that are equivalent to those
8 prescribed by the State Board.

9 **Sec. 13.** The evaluation of teachers and administrators
10 pursuant to NRS 391.3125 or 391.3127 must not include pupil
11 achievement data for the 2015-2016 school year.

12 **Sec. 14.** NRS 391.31211, 391.31212, 391.31213, 391.31214,
13 391.31215, 391.31216, 391.31217, 391.31218, 391.31219 and
14 391.3122 are hereby repealed.

15 **Sec. 15.** Any probationary or postprobationary teacher or
16 administrator who was evaluated for the 2014-2015 school year
17 must be evaluated for the 2015-2016 school year in the manner
18 provided in NRS 391.3125 or 391.3127, as applicable, as amended
19 by sections 5 and 6 of this act. For the purposes of the provisions of
20 those sections, a teacher or administrator who received for the 2014-
21 2015 school year or for any previous school year a rating of:

22 1. Satisfactory, must be considered to have received a rating of
23 effective or highly effective.

24 2. Unsatisfactory, must be considered to have received a rating
25 of minimally effective or ineffective.

26 **Sec. 16.** 1. This section and sections 1 to 8, inclusive, and
27 sections 10, 13, 14 and 15 of this act become effective on July 1,
28 2015.

29 2. Sections 9 and 11 of this act become effective on July 1,
30 2015, for the purpose of adopting regulations and performing any
31 other preparatory administrative tasks necessary to carry out the
32 provisions of those sections and on July 1, 2016, for all other
33 purposes.

34 3. Section 12 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

**391.31211 For 2013-2014 school year: Application by
school district to opt out of delay of implementation of statewide
performance evaluation system; school district with approved
application not required to participate in validation study.**



391.31212 For 2014-2015 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.

391.31213 Validation study of statewide performance evaluation system; selection of representative sample of teachers and administrators to participate; disciplinary decisions must not be based on evaluations conducted under validation study.

391.31214 Policy for evaluations of teachers and other licensed educational personnel instead of NRS 391.3125 during validation study.

391.31215 Policy for evaluation of administrators instead of NRS 391.3127 during validation study.

391.31216 Status of probationary employees during validation study.

391.31217 Report to Interim Finance Committee on results of 2013-2014 validation study; determination by Interim Finance Committee whether all school districts prepared to implement statewide performance evaluation system.

391.31218 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2014-2015 school year.

391.31219 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2015-2016 school year.

391.3122 Validation study of counselors, librarians and certain other educational personnel for 2014-2015 school year.

