

Amendment No. 806

Senate Amendment to Assembly Bill No. 447	(BDR 34-1120)
<b>Proposed by:</b> Senate Committee on Education	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

KRO/RBL



Date: 5/21/2015

A.B. No. 447—Revises provisions relating to the statewide performance evaluation system. (BDR 34-1120)



## 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; ~~delaying the implementation of certain provisions relating to the policy for evaluations of counselors, librarians and other licensed educational personnel;~~ revising the evaluation of teachers ~~and~~ administrators ~~and other licensed personnel~~ under the statewide performance evaluation system ~~for the 2015-2016 school year~~; 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:**

Existing law requires the State Board of Education to establish a statewide performance evaluation system which incorporates multiple measures to evaluate the overall performance of certain employees. (NRS 391.465) Section 10 of this bill requires the State Board to prescribe the tools to be used by a school district for obtaining such measures. Section 10 also allows a school district to apply to the State Board to use an evaluation system and tools that are different than the evaluation system and tools prescribed by the State Board.

Existing law requires the statewide performance evaluation system to: (1) prescribe the pupil achievement data that must be used as a part of the evaluation system; and (2) require that pupil achievement data account for at least 50 percent of the evaluation of certain employees. (NRS 391.465) ~~Section 11~~ Sections 10 and 16 of this bill ~~provides~~ remove the requirement that ~~and~~ 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 ~~(25%)~~ 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 ~~(25%)~~ at least 10 percent of the ~~evaluator's~~ 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 ~~beginning with the 2015-2016 school year.~~ (NRS 391.3123, 391.3125.) ~~Section 22 of chapter 496, Statutes of Nevada 2013, p. 3169.)~~ Section 4 of this bill (instead delays implementation until the 2016-2017 school year. Section 3 of this bill provides that the evaluation of teachers, administrators and other licensed personnel under the statewide performance evaluation system must not include an evaluation of the performance of pupils enrolled in the school for the 2015-2016 school year.) 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.** ~~NRS 391.465 is hereby amended to read as follows:~~

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

~~2. The statewide performance evaluation system must:~~

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

~~(1) Highly effective;~~

~~(2) Effective;~~

~~(3) Minimally effective; or~~

~~(4) Ineffective.~~

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

~~(c) 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) [.] which must require, without limitation, that:~~

~~(1) Pupil achievement data derived from statewide examinations and assessments must account for 25 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 and the Superintendent of Public Instruction must account for 25 percent of the evaluation.~~

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

~~(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.] (Deleted by amendment.)~~

**Sec. 2.** ~~[Section 22 of chapter 496, Statutes of Nevada 2013, at page 3169, is hereby amended to read as follows:~~

~~Sec. 22. Commencing with the [2015-2016] 2016-2017 school year, the board of trustees of each school district shall implement and carry out the policy for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, required by NRS 391.3125, as amended by section 4 of this act.] (Deleted by amendment.)~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 ➤ The information maintained pursuant to paragraphs (c), (d) and (e) must be used  
41 for the purpose of improving the achievement of pupils and improving classroom  
42 instruction. ~~Except as otherwise provided in subsection 9 of NRS 391.3125 and~~  
43 ~~subsection 8 of NRS 391.3127, information on pupil achievement data, as~~  
44 ~~prescribed by the State Board pursuant to NRS 391.465, must account for at least~~  
45 ~~50 percent, but must not be used as the sole criterion, in evaluating the performance~~  
46 ~~of or taking disciplinary action against an individual teacher or other employee.]~~

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

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

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

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

3. The Superintendent of Public Instruction shall:

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

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

(c) Prescribe the format for the data;

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

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

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

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

(1) Individual pupils;

(2) Individual teachers;

(3) Individual schools and school districts; and

(4) Programs and financial information;

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

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

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

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

**Sec. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~6. 8.~~ If a postprobationary teacher receives an evaluation designating his or her overall performance as effective ~~or highly effective,~~ the postprobationary teacher 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.~~

~~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. 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. 10.~~ 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. 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.

~~104~~ 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~5. 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.

~~7. 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 ~~8. 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.

~~110.1~~ 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. ~~1. 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; ~~1. which includes evaluations based upon pupil achievement data as required by NRS 391.465.1~~

(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, ~~1.1~~ and administrators, ~~1. 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~~ and administrators to which paragraph (a) applies ~~to 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~~ and administrators ~~to 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 instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods ~~and~~ and 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 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, 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

1 after observations of the teacher and providing information and resources to the  
2 teacher about strategies for effective teaching.

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

5 (a) Data derived from the evaluations is used to create professional  
6 development programs that enhance the effectiveness of teachers and  
7 administrators; and

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

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

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

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

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

23 2. The statewide performance evaluation system must:

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

- 25 (1) Highly effective;  
26 (2) Effective;  
27 (3) Minimally effective; or  
28 (4) Ineffective.

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

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

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

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

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

50 3. A school district may apply to the State Board to use a performance  
51 evaluation system and tools that are different than the evaluation system and  
52 tools prescribed pursuant to subsection 1. The application must be in the form  
53 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. 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 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.



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

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

10 391.465 1. The State Board shall, based upon the recommendations of the  
11 Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460,  
12 adopt regulations establishing a statewide performance evaluation system which  
13 incorporates multiple measures of an employee's performance. Except as otherwise  
14 provided in subsection 4, the State Board shall prescribe the tools to be used by a  
15 school district for obtaining such measures.

16 2. The statewide performance evaluation system must:

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

- 18 (1) Highly effective;  
19 (2) Effective;  
20 (3) Minimally effective; or  
21 (4) Ineffective.

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

23 (c) Except as otherwise provided in subsection 10 of NRS 391.3125 and  
24 subsection 9 of NRS 391.3127, require that pupil achievement data account for at  
25 least ~~20~~ 40 percent of the evaluation.

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

29 (1) Pupil achievement data derived from statewide examinations and  
30 assessments must account for at least ~~10~~ 20 percent of the evaluation of a teacher  
31 or administrator, as applicable; and

32 (2) Pupil achievement data derived from assessments approved by the  
33 board of trustees of a school district that employs the teacher or administrator, as  
34 applicable, must account for at least ~~10~~ 20 percent of the evaluation.

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

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

50 3. The State Board shall, by regulation, designate the assessments that may be  
51 used by a school district to determine pupil achievement pursuant to subparagraph  
52 (2) of paragraph (d) of subsection 2. The board of trustees of a school district may  
53 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. 3.~~ Sec. 13. The evaluation of teachers ~~and~~ and administrators ~~and other licensed personnel~~ pursuant to NRS 391.3125 or 391.3127 must not include ~~an evaluation of the performance of pupils enrolled in the school~~ pupil achievement data for the 2015-2016 school year.

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

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

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

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

~~Sec. 4.~~ Sec. 16. 1. This section and sections 1 to 8, inclusive, and sections 10, 13, 14 and 15 of this act ~~becomes~~ become effective on July 1, 2015.

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

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

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### LEADLINES OF REPEALED SECTIONS

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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.