

SENATE BILL NO. 8—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON EDUCATION)

PREFILED DECEMBER 19, 2014

Referred to Committee on Education

SUMMARY—Revises provisions relating to the evaluation of
licensed educational personnel and administrators.
(BDR 34-410)

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; revising provisions governing the
policies for the evaluation of teachers and administrators;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Education to adopt regulations
2 establishing a statewide performance evaluation system which incorporates pupil
3 achievement data into the evaluation of an employee's performance. Such data
4 must account for at least 50 percent of the evaluation. (NRS 391.465) Existing law
5 further requires the policies for the evaluation of teachers and administrators to
6 provide that certain information on pupil achievement data maintained by the
7 automated system of accountability information for Nevada must account for at
8 least 50 percent of the evaluation. (NRS 386.650, 391.3125, 391.3127) **Sections**
9 **1-4** of this bill, which expire by limitation on July 1, 2017, reduce the weight given
10 to pupil achievement data in the statewide performance evaluation system from 50
11 percent to 40 percent.

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

1 **Section 1.** NRS 386.650 is hereby amended to read as follows:
2 386.650 1. The Department shall establish and maintain an
3 automated system of accountability information for Nevada. The
4 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;

(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.



1 ↪ The information maintained pursuant to paragraphs (c), (d) and
2 (e) must be used for the purpose of improving the achievement of
3 pupils and improving classroom instruction. Except as otherwise
4 provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS
5 391.3127, information on pupil achievement data, as prescribed by
6 the State Board pursuant to NRS 391.465, must account for at least
7 ~~50~~ 40 percent, but must not be used as the sole criterion, in
8 evaluating the performance of or taking disciplinary action against
9 an individual teacher or other employee.

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

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

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

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

22 3. The Superintendent of Public Instruction shall:

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

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

30 (c) Prescribe the format for the data;

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

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

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

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

40 (1) Individual pupils;

41 (2) Individual teachers;

42 (3) Individual schools and school districts; and

43 (4) Programs and financial information;

44 (h) Provide technical assistance to each school district to ensure
45 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. 2. 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 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~~ 40 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 during each school year of his or her probationary employment. Each evaluation must include at least one scheduled observation of the teacher during the school year 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 postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must be evaluated three times in the immediately succeeding school year 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 his or her overall performance as minimally effective or ineffective on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation 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. If a postprobationary teacher receives an evaluation designating his or her overall performance as effective, the postprobationary teacher must be evaluated one time 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 at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

8. 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, 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. 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. 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. 3. 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



1 policy must provide for the evaluation of those administrators who
2 provide primarily administrative services at the school level and
3 who do not provide primarily direct instructional services to pupils,
4 regardless of whether such an administrator is licensed as a teacher
5 or administrator, including, without limitation, a principal and a vice
6 principal. The policy must comply with the statewide performance
7 evaluation system established by the State Board pursuant to NRS
8 391.465. The policy must set forth a means according to which an
9 administrator's overall performance is determined to be highly
10 effective, effective, minimally effective or ineffective. Except as
11 otherwise provided in subsection 8, the policy must require that
12 pupil achievement data, as prescribed by the State Board pursuant to
13 NRS 391.465, account for at least ~~50~~ 40 percent of the evaluation.
14 The policy may include an evaluation by the administrator,
15 superintendent, pupils or other administrators or any combination
16 thereof. A copy of the policy adopted by the board must be filed
17 with the Department and made available to the Commission.

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

22 3. A probationary administrator must be evaluated three times
23 during each school year of his or her probationary employment.
24 Each evaluation must include at least one scheduled observation of
25 the probationary administrator during the school year as follows:

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

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

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

33 4. If a postprobationary administrator receives an evaluation
34 designating his or her overall performance as minimally effective or
35 ineffective, the postprobationary administrator must be evaluated
36 three times in the immediately succeeding school year in accordance
37 with the observation schedule set forth in subsection 3. If a
38 postprobationary administrator is evaluated three times in a school
39 year and he or she receives an evaluation designating his or her
40 overall performance as minimally effective or ineffective on the first
41 or second evaluation, or both evaluations, the postprobationary
42 administrator may request that the third evaluation be conducted by
43 another administrator. If a postprobationary administrator requests
44 that his or her third evaluation be conducted by another
45 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. If a postprobationary administrator receives an evaluation designating his or her overall performance as effective, the postprobationary administrator must be evaluated one time 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 at least one scheduled observation which must occur within 120 days after the first day of instruction of the school year.

7. 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, 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.

8. 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.



9. Each probationary administrator is subject to the provisions of NRS 391.3128 and 391.3197.

10. 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. 4. 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~~ 40 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 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



1 assistance to teachers in meeting the standards of effective teaching,
2 and includes, without limitation, conducting observations,
3 participating in conferences before and after observations of the
4 teacher and providing information and resources to the teacher about
5 strategies for effective teaching. The regulations must include the
6 criteria for school districts to determine which educational personnel
7 are qualified to conduct peer reviews pursuant to the process.

8 **Sec. 5.** 1. This act becomes effective on July 1, 2015.

9 2. The amendatory provisions of this act expire by limitation
10 on July 1, 2017.

