

Amendment No. 594

Assembly Amendment to Assembly Bill No. 312

(BDR 34-960)

Proposed by: Assembly Committee on Education

Amendment Box: Replaces Amendment Nos. 475 and 585.

Amends: Summary: Yes 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/JWP



Date: 4/22/2017

A.B. No. 312—Revises provisions relating to the statewide performance evaluation system for certain educational personnel. (BDR 34-960)





ASSEMBLY BILL NO. 312—ASSEMBLYMEN MILLER, SPIEGEL, OHRENSCHALL,  
CARRILLO; ARAUJO, BROOKS, DALY, DIAZ, JAUREGUI, MONROE-MORENO,  
NEAL AND THOMPSON

MARCH 17, 2017

JOINT SPONSOR: SENATOR SEGERBLOM

Referred to Committee on Education

SUMMARY—~~[Revises provisions relating to the statewide performance evaluation system for certain educational personnel.]~~ **Requires the State Board of Education to develop recommendations for pupil-teacher ratios in certain public schools.** (BDR 34-960)

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

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to educational personnel; ~~[requiring that the statewide performance evaluation system recommended by the Teachers and Leaders Council of Nevada ensure that certain teachers receive the highest score possible in specified areas of evaluation;]~~ requiring the State Board of Education to ~~[prescribe for such purposes the maximum]~~ **develop nonbinding recommendations for the pupil-teacher ratio in [certain grades;] public schools for kindergarten and grades 1 to 12, inclusive;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[Existing law creates the Teachers and Leaders Council of Nevada and requires the Council to make recommendations to the State Board of Education for the adoption of regulations establishing a statewide performance evaluation system for school teachers and certain administrators. (NRS 391.455, 391.460, 391.465). Existing law [also generally] prescribes the maximum pupil-teacher ratio in each school district for kindergarten and grades 1, 2 and 3. (NRS 388.700) In lieu of complying with the ratio established by statute, smaller school districts are authorized to use alternative pupil-teacher ratios for certain grade levels in elementary schools with the approval of the State Board of Education. (NRS 388.720).]~~  
~~Section 1 of this bill requires that the evaluation system recommended by the Council ensure that a teacher who is teaching in a classroom in which the number of pupils exceeds the maximum applicable pupil-teacher ratio receives the highest possible score on his or her evaluation in certain areas, if those areas are evaluated.~~  
~~For those purposes, for grades in elementary and secondary schools for which no maximum pupil-teacher ratio has otherwise been established, section 2 of this bill requires the State Board to prescribe the maximum ratio by regulation.]~~ **This bill additionally requires**

the State Board of Education to develop nonbinding recommendations for the ratio of pupils per licensed teacher in public schools for kindergarten and grades 1 to 12, inclusive.

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

**Section 1.** ~~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, 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 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~~

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

~~(c) Any teacher who teaches in a classroom in which the pupil teacher ratio exceeds the maximum applicable ratio prescribed by subsection 1 of NRS 398.700, approved by the State Board pursuant to NRS 398.720 or prescribed by regulation of the State Board pursuant to NRS 391.465 receives the highest score possible on his or her evaluation in the following areas, if those areas are evaluated:~~

~~(1) Making connections explicit between previous learning and new concepts and skills for all pupils in the classroom;~~

~~(2) Assigning tasks that place appropriate demands on each pupil;~~  
~~(3) Ensuring that the classroom environment is structured in a manner that each pupil is able to collaborate and participate and has positive affective experiences;~~

~~(4) The manner in which the teacher structures opportunities to generate evidence of learning during the lesson from all pupils;~~

~~(5) Ensuring that classroom routines and expectations create an environment in which all pupils value the contributions of other pupils and fully support each other's learning;~~

~~(6) Facilitating communication on a regular basis with parents and guardians; and~~

~~(7) The extent to which the teacher creates a safe and supportive learning environment.~~

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

**Sec. 2.** ~~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 subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil achievement data account for at least 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 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 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.~~

~~2. 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.~~

~~5. For any grade in an elementary and secondary school for which no maximum pupil teacher ratio is otherwise applicable pursuant to subsection 1 of NRS 388.700 or 388.720, the regulations adopted by the State Board pursuant to subsection 1 must prescribe the maximum pupil teacher ratio for each grade for the purposes of paragraph (c) of subsection 2 of NRS 391.460. The regulations must:~~

~~(a) Be based on any applicable national standards;~~

~~(b) Take into consideration the unique needs of certain pupils, including, without limitation, English learners; and~~

~~(c) Provide for the inclusion and exclusion of educational personnel in determining the pupil teacher ratio existing for any grade in the same manner as provided by subsection 1 of NRS 388.700.f (Deleted by amendment.)~~

Sec. 2.5. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Board shall develop nonbinding recommendations for the ratio of pupils per licensed teacher in the public schools of this State for kindergarten and grades 1 to 12, inclusive. The board of trustees of each school district shall consider the recommendations in establishing the ratio of pupils per licensed teacher in the school district.

2. The recommendations developed by the State Board must:

(a) Prescribe a suggested ratio of pupils per licensed teacher for each classroom and course of instruction, except choir, orchestra and band, in kindergarten and grades 1 to 12, inclusive;

(b) Be based on evidence-based national standards; and

(c) Take into account the unique needs of certain pupils, including, without limitation, pupils who are English learners.

3. Nothing in this section shall be deemed to relieve a school district of its obligation to comply with the requirements of NRS 388.700 and 388.720, as applicable to the school district.

1 4. As used in this section, "English learner" has the meaning ascribed to it  
2 in 20 U.S.C. § 7801(20).

3 **Sec. 3.** This act becomes effective ~~upon passage and approval for the~~  
4 ~~purpose of adopting regulations and performing any other administrative tasks that~~  
5 ~~are necessary to carry out the provisions of this act and on January 1, 2018, for all~~  
6 ~~other purposes.~~ on July 1, 2017.