

Amendment No. 282

Senate Amendment to Senate Bill No. 475	(BDR 34-816)
Proposed by: Senate Committee on Education	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 475 (§ 6).

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.

EWR/RBL



Date: 4/16/2019

S.B. No. 475—Revises provisions relating to the evaluation of educational employees and makes various other changes to provisions relating to education. (BDR 34-816)



SENATE BILL NO. 475—COMMITTEE ON EDUCATION

MARCH 25, 2019

Referred to Committee on Education

SUMMARY—Revises provisions relating to the evaluation of educational employees and makes various other changes to provisions relating to education. (BDR 34-816)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 6)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring the development of an electronic tool for providing documents concerning evaluations of educational employees to the employees; requiring certain licensed educational personnel to be evaluated pursuant to the statewide performance evaluation system; reducing the percentage of the evaluation of a teacher or certain administrators comprised by pupil performance; removing certain sanctions for a teacher or administrator whose performance is designated as developing; requiring a study of the impact and validity of the statewide performance evaluation system; 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 for evaluating the performance of educational employees. (NRS 391.465) **Section 1** of this bill requires the Department of Education to develop an electronic tool for providing documents concerning such evaluations to educational employees. **Section 2** of this bill makes a conforming change.

Existing law prescribes separate requirements concerning the evaluation of teachers and administrators, including: (1) administrators who provide primarily administrative services at the school level; and (2) administrators at the district level who provide direct supervision of the principal of a school. (NRS 391.680-391.720) Existing law additionally authorizes the State Board to provide for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators. (NRS 391.675) **Section 6** of this bill instead requires such other licensed educational personnel to be evaluated annually in a similar manner to teachers. **Sections 3-5 and 7** of this bill make conforming changes.

Existing law requires pupil growth to account for 40 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school. (NRS 391.465, 391.480) **Section 4** of this bill instead requires pupil growth to account for 20 percent of the evaluation of a teacher or such an administrator ~~1. Section 4 also requires instructional practice to account for 60 percent of the evaluation and professional~~

responsibilities to account for 20 percent of the evaluation.] **for the 2019-2020 school year. Section 4.5 decreases this percentage to 15 percent for each school year thereafter.**

Existing law requires the overall performance of an educational employee to be designated as highly effective, effective, developing or ineffective. (NRS 391.465) Existing law: (1) authorizes a school district not to renew the contract of a probationary teacher or certain administrators whose performance is designated as developing or ineffective; and (2) requires a postprobationary employee whose performance is designated as developing or ineffective for 2 consecutive years to serve an additional probationary period. (NRS 391.725, 391.730) **Section 7** of this bill removes authorization for a school district not to renew the contract of a probationary teacher or administrator whose performance is designated as developing. **Section 8** of this bill removes the requirement that a postprobationary employee whose performance is designated as developing for 2 consecutive years must serve an additional probationary period. **Section 9** of this bill requires the Department to enter into a contract with a consultant to study the impact and validity of the statewide performance evaluation system.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

The Department shall, in consultation with the boards of trustees of school districts ~~and~~ and the Council, develop an electronic tool for providing documents concerning evaluations conducted pursuant to NRS 391.680 to 391.730, inclusive, to teachers, administrators and other licensed educational personnel. The tool must ~~be~~

~~1. Allow~~ **allow** an administrator who conducts an evaluation to:

~~(a) 1. Immediately share documents concerning the evaluation with the teacher, administrator or other licensed educational employee who is the subject of the evaluation; and~~

~~(b) 2. Recommend professional development courses to improve the performance and knowledge of the teacher, administrator or other licensed educational employee who is the subject of the evaluation.~~

~~2. Include, without limitation, drop down menus that allow the teacher, administrator or other licensed educational employee to access a description of each indicator used in the evaluation.]~~

Sec. 2. NRS 391.450 is hereby amended to read as follows:

391.450 As used in NRS 391.450 to 391.485, inclusive, **and section 1 of this act**, "Council" means the Teachers and Leaders Council of Nevada created by NRS 391.455.

Sec. 3. 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, **and other licensed educational personnel**, 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 growth as required by NRS 391.465;

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

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

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

(c) Consider the role of professional standards for teachers , ~~and~~ administrators *and other licensed educational personnel* 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 observations 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 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. 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. Except as otherwise provided in subsection 3, 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) Developing; 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~~ ~~+~~

~~(1) Pupil~~ growth, as determined pursuant to NRS 391.480, account for ~~40~~ 20 percent of the evaluation ~~of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.~~

~~(2) Instructional practice account for 60 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.~~

~~(3) Professional responsibilities account for 20 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.~~

(d) 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 ~~H~~ **or licensed educational employee, other than a teacher or administrator**, employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations 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 observations pursuant to the process.

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

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 4.5. 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 3, 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) Developing; 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 growth, as determined pursuant to NRS 391.480, account for ~~20~~ **15** percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.

(d) 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 or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

(e) Include a process for peer observations 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 observations pursuant to the process.

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

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 5. NRS 391.485 is hereby amended to read as follows:

391.485 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers , ~~and~~ administrators *and other licensed educational personnel* who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole;

(b) Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and

(c) Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers , ~~and~~ administrators *and other licensed educational personnel* pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district, including, without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to NRS 391.480.

Sec. 6. NRS 391.675 is hereby amended to read as follows:

391.675 1. The State Board ~~may provide~~ *shall adopt regulations providing* for evaluations of counselors, librarians and other licensed educational personnel, except for teachers and administrators, 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. *The regulations adopted pursuant to this section must require:*

1 (a) *The evaluation of each counselor, librarian or other licensed educational*
2 *employee at least once each school year; and*

3 (b) *Such evaluations to be conducted, to the extent practicable, in a similar*
4 *manner to the evaluations of teachers conducted pursuant to NRS 391.680 to*
5 *391.695, inclusive.*

6 2. *The counselor, librarian or other licensed educational employee must*
7 *receive a copy of each evaluation not later than 15 days after the evaluation. A*
8 *copy of the evaluation and the response of the employee must be permanently*
9 *attached to the personnel file of the employee. Upon the request of the counselor,*
10 *librarian or other licensed educational employee, a reasonable effort must be*
11 *made to assist the employee to improve his or her performance based upon the*
12 *recommendations reported in the evaluation of the employee.*

13 **Sec. 7.** NRS 391.725 is hereby amended to read as follows:

14 391.725 1. If a written evaluation of a probationary teacher, ~~{or}~~ a
15 probationary administrator who provides primarily administrative services at the
16 school level and who does not provide primarily direct instructional services to
17 pupils, regardless of whether the probationary administrator is licensed as a teacher
18 or administrator, including, without limitation, a principal and vice principal ~~{or}~~ *or a*
19 *probationary licensed educational employee, other than a teacher or*
20 *administrator*, designates the overall performance of the teacher, ~~{or}~~ administrator
21 *or probationary licensed educational employee* as ~~["developing"] or~~ "ineffective":

22 (a) The written evaluation must include the following statement: "Please be
23 advised that, pursuant to Nevada law, your contract may not be renewed for the
24 next school year. If you receive ~~a 'developing' or~~ *an* 'ineffective' evaluation and
25 are reemployed for a second or third year of your probationary period, you may
26 request that your next evaluation be conducted by another administrator. You may
27 also request, to the administrator who conducted the evaluation, reasonable
28 assistance in improving your performance based upon the recommendations
29 reported in the evaluation for which you request assistance, and upon such request,
30 a reasonable effort will be made to assist you in improving your performance."

31 (b) The probationary teacher, ~~{or}~~ probationary administrator ~~{or}~~ *or*
32 *probationary licensed educational employee*, as applicable, must acknowledge in
33 writing that he or she has received and understands the statement described in
34 paragraph (a).

35 2. If a probationary teacher, ~~{or}~~ probationary administrator *or probationary*
36 *licensed educational employee, other than a teacher or administrator*, to which
37 subsection 1 applies requests that his or her next evaluation be conducted by
38 another administrator in accordance with the notice required by subsection 1, the
39 administrator conducting the evaluation must be:

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

42 (b) Selected by the probationary teacher, ~~{or}~~ probationary administrator ~~{or}~~ *or*
43 *probationary licensed educational employee, other than a teacher or*
44 *administrator*, as applicable, from a list of three candidates submitted by the
45 superintendent.

46 3. If a probationary teacher, ~~{or}~~ probationary administrator *or probationary*
47 *licensed educational employee, other than a teacher or administrator* to which
48 subsection 1 applies requests assistance in improving performance reported in his
49 or her evaluation, the administrator who conducted the evaluation shall ensure that
50 a reasonable effort is made to assist the probationary teacher, ~~{or}~~ probationary
51 administrator *or probationary licensed educational employee, as applicable*, in
52 improving his or her performance.

1 **Sec. 8.** NRS 391.730 is hereby amended to read as follows:

2 391.730 Except as otherwise provided in NRS 391.825, a postprobationary
3 employee who receives an evaluation designating his or her overall performance as:

- 4 1. ~~[Developing;~~
5 ~~2.]~~ Ineffective; or

6 ~~[3.]~~ 2. Developing during 1 year of the 2-year consecutive period and
7 ineffective during the other year of the period,

8 ➤ for 2 consecutive school years shall be deemed to be a probationary employee
9 for the purposes of NRS 391.650 to 391.830, inclusive, and must serve an
10 additional probationary period in accordance with the provisions of NRS 391.820.

11 **Sec. 9.** The Department of Education shall:

12 1. Enter into a contract with a consultant to study the impact and validity of
13 the statewide performance evaluation system established pursuant to NRS 391.465.

14 2. Request an allocation by the Interim Finance Committee from the
15 Contingency Account pursuant to NRS 353.266, 353.268 and 353.269 for the
16 money needed to conduct the study.

17 3. On or before July 1, 2020:

18 (a) Submit to the Director of the Legislative Counsel Bureau for transmittal to
19 the Legislative Committee on Education a report of the findings of the study
20 conducted pursuant to subsection 1; and

21 (b) Present the findings of the study conducted pursuant to subsection 1 at a
22 meeting of the Legislative Committee on Education.

23 **Sec. 10.** The provisions of NRS 354.599 do not apply to any additional
24 expenses of a local government that are related to the provisions of this act.

25 **Sec. 11.** ~~[This act becomes effective:~~

26 ~~1. Upon passage and approval for the purpose of adopting any regulations and~~
27 ~~performing any other preparatory administrative tasks that are necessary to carry~~
28 ~~out the provisions of this act; and~~

29 ~~2. On January 1, 2020, for all other purposes.]~~

30 1. This section and sections 1 to 4, inclusive, and 5 to 10, inclusive, of this
31 act become effective on July 1, 2019.

32 2. Section 4.5 of this act becomes effective on July 1, 2020.