

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Eightieth Session
May 2, 2019**

The Committee on Education was called to order by Vice Chairman Edgar Flores at 2:05 p.m. on Thursday, May 2, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Vice Chairman
Assemblywoman Bea Duran
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Connie Munk
Assemblywoman Sarah Peters
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblyman Tyrone Thompson (excused)

GUEST LEGISLATORS PRESENT:

Senator Pete Goicoechea, Senate District No. 19
Senator Scott Hammond, Senate District No. 18
Senator Dallas Harris, Senate District No. 11

STAFF MEMBERS PRESENT:

Kelly Richard, Committee Policy Analyst
Victoria Gonzalez, Committee Counsel

Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Richard G. Barrows, Legal Counsel, Elko County School District
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Mary Pierczynski, representing Nevada Association of School Superintendents
Natha C. Anderson, President, Washoe Education Association; and Member, Board of Directors, Nevada State Education Association; and Private Citizen, Reno, Nevada
Jordana McCudden, Private Citizen, Las Vegas, Nevada
Linda Jones, Political Field Coordinator, Clark County Education Association
Pam Salazar, Chair, Teachers and Leaders Council of Nevada, Department of Education
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Mike Paul, Executive Director, Human Resources, Washoe County School District
Deanne Hicks, Private Citizen, Reno, Nevada
Tom Wellman, President, Retired Committee, Nevada State Education Association
Steve Horner, Private Citizen, Las Vegas, Nevada
Gerri North, Private Citizen, Las Vegas, Nevada
Carmen Andrews, Private Citizen, Henderson, Nevada
Harry Beall, Member, Board of Directors, Nevada State Education Association
Dawn Miller, Private Citizen, Reno, Nevada
Kathleen Watty, Private Citizen, Incline Village, Nevada
Alexander Marks, Political Coordinator, Nevada State Education Association

Vice Chairman Flores:

In the interest of time, we will not be having our work session today. The work session for Senate Bill 100 (1st Reprint), Senate Bill 126, and Senate Bill 159 will be rescheduled.

Senate Bill 100 (1st Reprint): Revises provisions relating to the licensure and employment of veterans, military personnel and their spouses in the public schools of this State. (BDR 34-388)

[This bill was agendized but not considered.]

Senate Bill 126: Revises provisions relating to education. (BDR 34-906)

[This bill was agendized but not considered.]

Senate Bill 159: Requires each public school and private school to adopt a policy concerning safe exposure to the sun. (BDR 34-583)

[This bill was agendized but not considered.]

We will hear three bills today. We will start with Senate Bill 253 (1st Reprint).

Senate Bill 253 (1st Reprint): Revises provisions governing the suspension of licensed school employees. (BDR 34-582)

Senator Pete Goicoechea, Senate District No. 19:

Senate Bill 253 (1st Reprint) is a result of much compromise. The initial bill was somewhat lengthier. As you can see, sections 1 through 10 have been deleted. With me is the legal counsel for the Elko County School District, Rich Barrows. He will testify to the mechanics of the bill. After the work done on S.B. 253 (R1), the Senate passed it unanimously. This bill deals with the suspension of licensed professional teachers. Some staff member morality issues at a school made us realize how difficult it was to suspend and remove the person from the facility. In the rural communities, if a professional employee is still on the payroll and most of the community knows what occurred, it becomes very difficult for the school district and the board of trustees. This bill is good for both sides, for the employee and the school district. Because it is good for both sides, it is very good for education and the students in our schools.

Richard G. Barrows, Legal Counsel, Elko County School District:

I have been privileged to be legal counsel for the Elko County School District for 31 years. Over the years, we have encountered a couple of problems with *Nevada Revised Statutes* (NRS) 391.760. There are two main problems.

The first is that if a licensed employee—mostly referring to a teacher but also referring to other licensed employees, including administrators—is charged with a felony or a crime involving moral turpitude, existing law provides that he or she may be suspended; however, the glitch in the statute, existing for a long time, mandates that the superintendent commence dismissal proceedings within five days. The five days is not the problem; the problem is that statute that governs the grounds for dismissal, NRS 391.750, requires a conviction of a felony or a crime of moral turpitude for a dismissal. The statute purported to require dismissal be started when there were no grounds to do that. The bill solves that problem.

Second, the statute did not provide any due process for the licensed employee who was suspended. This bill solves that problem, as well.

On behalf of the Elko County School District, I would submit that this is a good compromise bill—good for the school district, the licensed employees, the students, and for education.

Vice Chairman Flores:

Are there any questions from the Committee?

Assemblywoman Miller:

I appreciate that if a charge is unfounded, the individual is cleared and is reinstated and receives all back pay. That is respectful and appropriate.

My question is about section 11, subsection 1. It says, "If a superintendent has reason to believe" Would you explain what that means? It may mean one thing in the criminal justice world and have a different meaning for unions. It seems that "reason to believe" can be a gray area. A student or parent could have said something. Would that be a reason to believe? Does a school have to have begun an internal investigation and found there is something happening?

Rich Barrows:

That is in the existing law. I am trying to correct that by saying being charged with a felony would be required. It is true that the phrase "reason to believe" is not defined in statute, and I do not think it has been defined by case law. I believe it proceeds on the assumption that the superintendent is going to act in good faith. I do not purport to speak on behalf of any school lawyers other than myself, but I believe that language refers to an emergency circumstance because it can be done without notice and hearings. The bottom line is that if the employee who is suspended asserts that the superintendent does not have "reason to believe," the employee has more than one avenue to contest it.

Assemblywoman Miller:

I see this bill only mentions felonies. There are times licensed personnel should be dismissed even if the action did not rise to the level of a felony. Would this bill cover individuals convicted of misdemeanors inappropriate in a school setting? Would it include actions that were not criminal, but were unethical? Or does this bill only pertain to felonies?

Rich Barrows:

My intent is to deal with the glitch in the statute that relates to someone being charged with a felony, but not allowing the district to start dismissal proceedings. *Nevada Revised Statutes* 391.750 defines 20-odd grounds for suspension and dismissal. What you referred to may well fall into one of those categories.

Senator Goicoechea:

I would like to provide context. I represent part of Clark County and Sandy Valley, places with a school enrollment of about 180 students. In these small communities, the superintendent would probably be the second person to know that something occurred in a school. This bill mostly deals with immorality and moral turpitude—that is what we focused on. Is it not better to err on the side of caution and make that move, especially if we are talking about immorality?

Assemblywoman Peters:

In your introduction, you said something about how in small communities it can be difficult for these types of scenarios to play out. I have a question about section 11, subsection 3, regarding reinstatement with compensation. In an event in which there is too much negative

perception about a person, it would be relatively impossible for the person to reintegrate because of the toxic case narrative. Could we build in something about a good reference to another district or something that would give a person in that situation recourse to a job outside of the district?

Senator Goicoechea:

I can understand that. In these districts, if there were not sufficient grounds for dismissal, there would likely be another school in the district the teacher could transfer to. If the teacher were found innocent, the school board and the superintendent would be bound to provide a good letter of recommendation. If the professional employee was cleared but decided it would be too difficult to integrate back into the community, he or she could go to the superintendent or the school board for the back pay and a letter of recommendation in good standing. That would be a given to avoid repercussions.

Assemblywoman Peters:

I want to be clear of the intent. Is the employee required to accept reinstatement in order to obtain the full compensation plus interest in the event the case is not viable?

Senator Goicoechea:

The bill says that the employee must be reinstated with full compensation. You want to make sure the employee can access that. I am willing to state that on the record. The employee can access back pay and interest, even if he or she was not reinstated and chose to move on.

Assemblywoman Hansen:

If this happened currently, is the school district authorized to suspend the teacher, even if he or she is officially charged but not convicted?

Rich Barrows:

The statute purports to allow a suspension when there is a felony charge or a charge of a crime involving moral turpitude, but the statute goes on to say that if the superintendent does that, the superintendent is obligated to commence dismissal proceedings within five days. There are no grounds for dismissal unless and until the licensed employee is convicted. The statute purported to allow the superintendent to suspend when the superintendent could not.

Assemblywoman Hansen:

Thank you for the clarification. I read your amendment. I think the law has been amended 11 times since it was passed in 1967. You are trying to fix that gap.

In police departments, if a police officer is charged with something, the department can put the officer on suspension until he or she is convicted. The officer remains on the force, but is not actively working. Is that what you are trying to do for teachers with this bill? You have the ability to suspend a licensed employee who has been charged, but not convicted. After a conviction, the process plays out even more. Does that make sense?

Rich Barrows:

Yes, it does make sense. The school district has the option of administrative leave with pay, which may be what you are referring to with police departments. The current statute does not authorize suspension even for first-degree murder. One would assume, and I would argue, that it should be authorized. This bill does that.

Assemblywoman Hansen:

Thank you for clearing that up. I appreciate the bill.

Vice Chairman Flores:

I will give a hypothetical. Please tell me whether I am right or wrong in my understanding. Person A is charged with a severe felony and/or a crime involving moral turpitude. Nothing will happen until that person is convicted. Upon conviction, the suspension notice will be issued. Within ten days of that notice, dismissal proceedings will commence. Upon the notice of suspension, Person A will have the opportunity to go through an informal hearing.

Rich Barrows:

That is not entirely correct. The intent of this bill is to give the superintendent statutory authority to suspend at the start of the process, when the charge is filed. There is a mechanism in the existing statute for pay during the pendency of the criminal proceeding. At the end of the criminal proceedings, if the person is acquitted, there is reinstatement with back pay. If the person is convicted, there is dismissal.

Vice Chairman Flores:

What does an informal hearing look like? It is referenced here, but it is not explained.

Rich Barrows:

That is a relatively new term for NRS Chapter 391. My intent is that it be patterned after the type of informal hearing used for a student suspension. It is not a trial-like proceeding that would last a full day or two; rather, it would be a simple process to guard against an improper suspension and to give the licensed employee the opportunity to explain—for example, that it was a case of mistaken identity.

Vice Chairman Flores:

Are there any additional questions from members of the Committee? [There were none.] I would like to invite those wishing to speak in support of Senate Bill 253 (1st Reprint) to please come forward.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

On the Senate side, we spoke in opposition to this bill as introduced. In the intervening weeks, we have had the opportunity to work with Senator Goicoechea and Mr. Barrows. We want to express our gratitude to them both for working through the issues we had regarding due process in the initial draft. We are in support of the language as amended.

Mary Pierczynski, representing Nevada Association of School Superintendents:
We are also in support.

Vice Chairman Flores:

Is there anyone else wishing to speak in support of Senate Bill 253 (1st Reprint)? [There was no one.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any closing remarks? [There were none.] We will close the hearing on Senate Bill 253 (1st Reprint). We will open the hearing on Senate Bill 296 (1st Reprint).

Senate Bill 296 (1st Reprint): Provides for the issuance of a license by endorsement to certain teachers who have a license or equivalent issued in another country. (BDR 34-607)

Senator Scott Hammond, Senate District No. 18:

Senate Bill 296 (1st Reprint) would allow educational licensure by endorsement for certain teachers from other countries. Research has shown that teachers matter more to student achievement than any other aspect of schooling. As such, Nevada has long looked for strategies to address our chronic shortage of qualified and experienced educators. While we have recently made strides in that direction, we still have a way to go. Thus, it makes sense to provide streamlined paths to attract capable professionals into our classrooms.

Senate Bill 296 (1st Reprint) aims to provide one such path. In section 1, subsection 1, paragraph (m), the bill directs the Commission on Professional Standards in Education to adopt regulations authorizing the issuance of a license by endorsement to applicants who hold an equivalent license or authorization from another country. The qualifications for the equivalent license or authorization must be substantially similar to those prescribed for an applicant for a state license as determined by the Superintendent of Public Instruction. In section 2, subsection 14, the bill authorizes the Superintendent to enter into reciprocal agreements with appropriate officials of other countries concerning the licensing of teachers.

That is the extent of the bill. In short, I believe S.B. 296 (R1) offers one more strategy to get qualified educators in Nevada classrooms.

Assemblywoman Miller:

This bill pertains to reciprocity for professional licensed educators from other countries, streamlining the process for them.

Senator Hammond:

That is correct.

Assemblywoman Miller:

Why are we not starting with Nevadans or citizens of the United States?

Senator Hammond:

We started reciprocity with other states in 2013 and 2015. We continue to do that. The reason this came to my attention is that there are several hundred teachers here from the Philippines who occupy positions in special education. They have J-1 visas. One of the obstacles they have—other than the fact that until recently they had to return to their country of origin in order to reapply for a visa—is the cost. They had to reapply for licensing they already have in their countries, licenses that are similar to ours. After several conversations with them, I knew this was a good thing to try to tackle. This would give our Superintendent more authority to find out what other countries require; to find countries that have similar licensing processes, such as the classes they have to take for certain credentialing; and to make agreements for reciprocity. We do that with driver's licenses. We had to make one compromise in the bill in the Senate, but this would allow the licensing authority to find countries with the same sort of licensing requirements and enter into reciprocity agreements to get more of those teachers here.

Assemblywoman Miller:

You say we have been working on state reciprocity in the past, but I would say it is a taxing, time-consuming, hoop-jumping-through process for fully certified teachers who are in classrooms in other states to come here and teach in Nevada. I am glad you mentioned teachers from the Philippines because I have concerns about the teachers we are bringing from the Philippines—the way they are being treated, and the conditions they face once they get here. You referred to some of the licenses and steps they must go through. I believe that if the school district is bringing them over, the onus should be on the school district to make sure the papers are filed and fees are paid. I see the teachers from the Philippines firsthand. This would apply to teachers coming from any country. What is the obligation of the state to ensure teachers are given the correct information, that their living conditions are at the same standard of other teachers, and that they are getting the full salary they should? If we are going to bring people from another country and give them licenses, everything should be the same; there should not be substandard working conditions.

Senator Hammond:

I spent time going over these issues with 40 to 50 teachers. We cannot bring up or solve all of the problems at once. We talked about the promises that were made. One of the things these teachers said we should work on is this—it would be one less barrier they would have to worry about and one less thing they would have to pay for. That is what we had in mind, taking into consideration there might be countries with standards similar to ours.

Regarding reciprocity with other states, I would be willing to work with you on that. Over the past three sessions, we have worked on military teachers and reciprocity for teachers in some states.

Going back to your question, I think the state has an obligation to talk with the teachers coming here and find out about the conditions. I do not know how much we can ask the state to do, but it would be important to try to find these teachers housing. It is an impediment to getting them to come and stay. Most of the teachers I talked with like being here; they think their conditions are a little bit better than they were in their country of origin.

Assemblywoman Miller:

Do you believe this program should be run by individual school districts or managed by the state?

Senator Hammond:

I do not want to venture into that. I am not an expert. This bill is about opening opportunities for reciprocity. The Office of Educator Licensure, Department of Education, knows what is entailed in getting a license. I think they should be the ones who decide which agreements we make with other countries. They can look at the countries' structures and what they ask of their teachers. The state would be best for entering into agreements; I do not think we should leave that up to districts.

Assemblywoman Peters:

Is the Superintendent of Public Instruction a state position?

Senator Hammond:

Yes. The position is appointed by the Governor.

Assemblywoman Peters:

I have a question about the visas. How does allowing reciprocity impact the work visa process? Is it more enabling? Would the Superintendent help process the work visa? How would it impact other departments of the state?

Senator Hammond:

I do not know if it will have much of an impact. We discussed a little bit about the visa, but it is a larger discussion. It is much more detailed than you would think to talk about the difference between a J-1 visa and a U.S. H-1B visa. One of the things we looked at was switching from a J-1 visa because with a J-1 visa, teachers have to go back to their countries of origin, reapply, then come back. This takes teachers out of the classroom and requires schools to put in new ones. There is cost involved in training the new teachers. We wanted to prevent that from happening, but it happens now. The renewal of the application has changed. They are now allowing some of the teachers to stay and reapply while staying in their jobs. I think that is fantastic. We do not want the disruption in the classroom or in the lives of the teachers.

I do not know what the impact will be. I do not think it will make it any easier to apply for one type of visa versus another. I cannot answer your question.

Assemblywoman Peters:

What other industries have license reciprocity?

Senator Hammond:

The one reciprocity I know about is with driver's licenses in Taiwan. I think there are others, but I cannot give you a list.

Assemblywoman Tolles:

I get excited about opening up opportunities for people to work and contribute. I want to make sure we do it right. I think of how often we send our teachers overseas to teach in other countries. Our best friends spent a couple of years teaching in Honduras. We have spent time teaching classes in English in many other countries. There is a model for this; it is nothing new. It is just bringing that here.

Senator Hammond:

That is correct. It will not be a stretch for the Superintendent to accomplish this. We do this right now when we hire people. We are trying to identify the countries that educate their teaching candidates in universities in a similar manner regarding pedagogy. It will not be anything new. This says we will have an agreement that teachers will not have to reapply for licenses when they get here, saving time and money for those applicants.

Assemblywoman Gorelow:

I have a question about holding an equivalent license. Some teachers with bachelor's degrees get a license; others use the alternate route to licensure. What do we mean by "equivalent"?

Senator Hammond:

We are looking at the teaching license to see if it matches up with the license we have here. We are not looking at the alternate route to licensure. Most teachers are coming over with a license.

Vice Chairman Flores:

Are there any additional questions from members? [There were none.] Is there anyone present who would like to testify in support of the Senate Bill 296 (1st Reprint)?

Mary Pierczynski, representing Nevada Association of School Superintendents:

We have such a teacher shortage in our state and throughout the nation. If we can make it easier to bring people with equivalent credentials and abilities here, we think that should happen. We are in support.

Vice Chairman Flores:

Is there anyone else in support of Senate Bill 296 (1st Reprint)? [There was no one.] Is there anyone present who would like to testify in opposition to the bill? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] Are there any concluding remarks?

Senator Hammond:

There may be some with questions. I would be happy to answer offline.

Assemblywoman Peters:

Can a person become a union member when here on a work visa?

Natha C. Anderson, President, Washoe Education Association:

I can answer for our local union. If a teacher is covered by the same contract as every other member of the bargaining unit, yes. You can join the union. I believe you are also expected to have a license. If you are under the exact same contract as everybody else in the local, I believe you are able to become a member. I do not think we have ever been faced with that issue.

Assemblywoman Miller:

In Clark County, these teachers are invited to join the local union.

Vice Chairman Flores:

We will close the hearing on Senate Bill 296 (1st Reprint). We will open the hearing on Senate Bill 475 (1st Reprint).

Senate Bill 475 (1st Reprint): Revises provisions relating to the evaluation of educational employees and makes various other changes to provisions relating to education. (BDR 34-816)

Senator Dallas Harris, Senate District No. 11:

Educational employee evaluations can be used by states and districts to support and develop an exceptional workforce. Accurate evaluations based on quality can help differentiate performance, deliver feedback, improve professional development, provide opportunities for pay increases and advancement, and provide rationale for dismissals. It is important to create and implement an evaluation system that meaningfully differentiates performance and provides personnel with opportunities for tailored support, development, and advancement. Under the Every Student Succeeds Act of 2015, federal law now allows states greater flexibility to revise and reform certain evaluation systems.

At this time, I will take you through Senate Bill 475 (1st Reprint). What does S.B. 475 (R1) do? Section 1 requires Nevada's Department of Education (NDE) to develop an electronic tool for providing documents used in evaluations to certain educational employees. The tool must allow such documents to be immediately shared with the employees, evaluated, and allow an administrator who conducts the evaluation to provide recommended professional development. This piece is key. If we want teacher evaluations to be effective, teachers need to get the evaluations within a reasonable amount of time. If we want this to be a tool for growth, they need access to the resources for them to grow in the areas where their evaluations suggest they need more work. While current law authorizes the State Board of Education to provide for evaluations of counselors, librarians, and other licensed educational personnel, section 6 of this bill will require such personnel to be evaluated annually.

As some of you may recall, Assembly Bill 320 of the 79th Session passed. It required that student growth and learning goals account for 20 percent of an educator's performance evaluation in school year 2017 to 2018 and 40 percent thereafter. Section 4 of S.B. 475 (R1) modifies the amount these metrics will count toward the employee's overall score. At this point, the bill changes the student growth metric from 40 percent to 20 percent of the total weight in an evaluation in the next school year and revises it to 15 percent thereafter.

Section 7 of the bill removes the authorization that a district may not renew the contract of probationary or certain administrators who are designated as "developing"; however, a district will retain the authorization for such personnel who are designated as "ineffective." The bill further removes the requirement that such personnel who are designated as "developing" for two consecutive years serve an additional probationary period. This is also an essential piece. From what I have heard, we have inadvertently created a dichotomy in which we have passing teachers, effective or highly effective teachers, and failing teachers, those found to be developing or ineffective. That is not how this system should work. We need to allow teachers who are truly developing to be labeled "developing" without fear of retribution. We need an honest assessment, which works with the first piece—being connected with the resources that will help you grow in areas where you need to grow. I think this piece works well with our changing of the student learning growth and student learning outcomes measure. Forty percent is entirely too high. Part of the reason that is too high is because of the dichotomy we inadvertently set up, where a teacher is either good or bad. We are removing the stigma of being a developing teacher and simultaneously lowering the student learning growth percentage so teachers can get a fairer and more accurate assessment of performance without fear of being labeled a horrible teacher simply because he or she set outcomes too high and not all the students met them. We removed that scenario in hopes of making the evaluation what it was intended to be—a way for teachers to have an assessment of their performance and an opportunity for them to grow and be better, which I think all teachers want.

Section 9 requires NDE to study the impact and validity of the statewide performance evaluation system and report the findings to the interim Legislative Committee on Education. I think this piece is also important. The evaluations are not working as they should. We need to take a serious look at the effectiveness of our evaluation system and, possibly, reform it. I do not have the answers, but I know that we need to take a good look at how we are putting this together to see if it is leading to teachers growing in their profession as intended.

Before I conclude my testimony, I want to clear up a couple of things. You might be a little bit confused about why the percentage of pupil performance is 20 percent in one year and 15 percent later. I have a fairly reasonable explanation for that—there was some agreement on the 20 percent for student learning goals. The Teachers and Leaders Council of Nevada within the Department of Education recommended 20 percent, but there is still 80 percent of the evaluation to go, so there were discussions about how that other 80 percent would be allocated. After hearing from many people, 20 percent was not anyone's favorite, so we brought it down to 15 percent. That is where it will sit in perpetuity, but we are going to give one year for stakeholders to come together and decide where that other 5 percent should go.

Should it go to professional development or to any of the other three categories? It is important for everyone to come together and decide how the other 5 percent should be allocated with all of the stakeholders at the table. There is an overwhelming belief that 15 percent is the better number. I am just asking for a little time to figure out what we do with that other 5 percent. Then we are set at 15 percent moving forward.

Assemblywoman Miller:

My question is about the student learning goals portion of the evaluation. I have multiple concerns about this evaluation system as a whole. Is there any other profession, besides for state employees, that has evaluations legislated, or is it only teachers and administrators?

Victoria Gonzalez, Committee Counsel:

I can look into that.

Assemblywoman Miller:

There is legislative intent and then there is what is actually happening in our schools, depending on who the administrator is. Student learning goals are currently not being administered properly. Some people in programs will tell you they are not being tough enough. The intention was to allow the teacher to develop student learning goals with individual students. There are schools in which the principals dictate what the teachers are going to do—giving teachers another task, giving them more data collection, and making it punitive. In some schools, the principals are making the orchestra teachers, physical education teachers, and art teachers have student learning goals based on mathematics and English. Those teachers are not certified for that—I will not get into the importance of music for mathematics and English—but the teachers are being evaluated based on having to teach two or three days' worth of mathematics and English, then the student learning goals of those teachers are based on mathematics and English. How do we ensure the evaluation is administered the way it was intended?

Senator Harris:

That is a good question. I was appointed to my seat on December 4, 2018. I did not have an interim to get into some of the deeper issues. Do I think physical education teachers should be evaluated on mathematics outcomes? Absolutely not. That will not help them become better physical education teachers. I see very little benefit to that. I understand there is quite a bit more work to be done. The most I can tell you right now is I am willing to talk to every principal who will let me through the door, explaining how this is intended to be put forward. If I have to, I will bring a bill next session to clean this up. If I have to define "student learning goals" and define "student learning outcomes," I will do that. Whatever is needed to help continue to make this system better, I am open to discussing. Unfortunately, I have run out of time this session. I feel that, given the current state of teacher evaluations, this is a huge step toward fixing a lot, but not all, of those problems.

Assemblywoman Miller:

My other concern with the student learning goals is the enormous amount of time it can take. Oftentimes, it feels like I spend more time writing about teaching than actually teaching. I do not wonder at all why we have a teacher shortage. This is something teachers are doing on their unpaid time. It is often used in a punitive way. It was said earlier that teachers are the most important thing for student learning, but research shows teachers are about 17 percent. There are many other variables going into student success. Many of them have nothing to do with what is going on inside the classroom or school building. I know we are moving in the right direction; but even with that, it may sound like a win, yet it does not always do what was intended. I appreciate that you say you are willing to go to all of the principals, because I will be telling everyone to call you. We need to be cognizant that the real world does not operate the way it is legislated.

Senator Harris:

I agree. I think a lot of those issues you have raised would be present regardless of the number that is in this bill. These are issues with how student learning goals are being implemented. I do not disagree that they vary widely from school to school. That needs to change. We have a lot of work to do.

To your point about the punitive piece—that is why we are removing the developing category, with teachers going back to probationary status if they are rated as developing two years in a row. That is our effort in this bill. We are trying to change the stigma; that is not how it should be. I will reiterate—if I have to go to every principal in Clark County—I will. I may not make it to all 17 counties. We know teachers spend enough time doing things outside of contract time. This should not be one additional thing they need to do. I would argue the student learning goals are not being implemented properly. We do not need to place additional work on teachers. We want the little bit of work of the evaluation to get the benefit of growth. That is how it should be, although I understand that is not how it is currently.

Assemblywoman Peters:

I am not in education. I understand where you are coming from in how to dig into this to get to the base issues. Coming from a science background, I want to look at what the intention of the evaluation is. As we talk about this issue, are we talking about qualitative or quantitative values? How do we decide whether an evaluation meets the quantitative standard or the qualitative standard? How do we interpret that for its accuracy and precision of what we are actually evaluating? How complete is the data set? That includes taking into account some of the underlying issues students may have that we have no control over in the classroom. Are the evaluations subjective or objective? Do they have the potential to be used as punitive or for retribution? How do we create a safe narrative baseline where teachers can really access the ability to advance and grow, destigmatizing the development, and focus on the quality of the education that is available for our children? I am not sure that this bill attacks those kinds of things; as I think about how we engage in this process and maintain our good teachers by offering a working environment that improves morale and growth and development, we need to keep some of these things in mind as we move forward.

Senator Harris:

Thank you for your comments. Those are all large questions. This bill does not directly address them, but it does address them indirectly in section 9 through the NDE study on the impact and validity of these evaluations. Most, if not all, of the questions that you just asked should be part of that NDE study. Are we collecting the best data? How are we collecting the data? Is there actually any growth for teachers based upon these evaluations and how they are implemented? Should it be qualitative or quantitative? It is my intention to have the Department of Education study all of those questions thoroughly.

Assemblywoman Hansen:

My mind is twisted around. I thought the Assembly Committee on Judiciary gave me a lot of things to think about, but the Assembly Committee on Education is right up there with it. When it comes to evaluations and standards, we believe in setting the bar high. In doing so, we can also set it too high. I am trying to navigate that. Does the current system set the bar too high? Going from requiring student growth to account for 40 percent of the teacher evaluation to 15 percent was a red flag for me at first. I am not saying there is not a need to move that somewhat. I am naïve about how these evaluations work. I have come to one major conclusion: There is too much bureaucracy in education, especially for teachers. I am confounded by the number of processes, tests, and evaluations. While I am certainly for evaluating and for standards, we are trying to find the sweet spot. I think that is the intent here; I appreciate that. What is the genesis of this bill? Who was involved in it? What was the input of teachers?

Senator Harris:

I will tell you how I became involved in this process. Questions about teacher evaluations are probably older than I am. The idea for the bill was originally brought to me by the Teachers and Leaders Council of Nevada after they went through their process to make recommendations to the Legislature. They recommended that student learning goals count for 20 percent of the evaluation. They also recommended what the other 80 percent should be. The bill originally had that broken out, along with removing the stigma of being evaluated as a developing teacher, developing an electronic tool for immediate feedback, and a statewide performance evaluation. Unfortunately, once a bill gets to the Legislative Counsel Bureau, it is no longer ours. Based upon feedback I received, we decided the percentage needed to be reduced to 15 percent for the teachers.

Balance is hard to strike. I do not think there is any agreement; there were four nays when the Senate voted on this bill. Two senators thought the number went too low; one thought the number was too high. The majority of those speaking about this bill at the hearing in the Senate [Senate Committee on Education, April 3, 2019] thought the number did not go low enough, but the Las Vegas Metro Chamber of Commerce was in opposition because they thought the number was too low. I think the majority of people agree that the number is too high. I am trying my best to listen to those who know better than I do. The balance we are striking is, What is the right level this should account for with some of the troubles we are seeing in implementation? Maybe I would feel that student learning goal should be at 30 percent if they were done correctly. We have to make sure we are providing the relief

teachers need so they can do their jobs and feel safe and that they can grow, but we also need to keep some kind of accountability in the student learning goal piece. I was trying to ensure that we keep something there, but acknowledge that it is not done perfectly and that there are unintended negative consequences for our teachers.

Assemblywoman Munk:

I am concerned about how effective honest assessments are. Being in mental health and working with many students, I am aware that teachers often do not know what is going on at home. I am concerned about the 20 percent being high when you take into consideration the psychosocial mental health of students that the teacher has no control over.

Senator Harris:

That is the other balance I was trying to strike. In every job you have, a portion of your evaluation is going to be based on things that are not a hundred percent within your control. As a legislator, I may be evaluated by how many of my bills were passed. That is not within a hundred percent of my control; I hope it would not be a hundred percent of my evaluation. It should not be the only thing people look at to determine if I was a good legislator. Fair or unfair, it will be a piece of my evaluation, but there are many factors involved in whether a bill is passed. Most of those things are outside of my control. I do not want this piece to be so large that it reflects poorly on a teacher who did the best he or she could do, but the factors outside of the teacher's control led to a bad evaluation. I personally believe, however, that at 15 percent, a teacher is at less risk of that one piece distorting the evaluation of his or her performance. That is another reason we are lowering it from 40 percent—teachers do not have complete and utter control over student performance. I am uncomfortable with the idea of eliminating that completely from our evaluations of teachers; it should be a piece. I want to figure out how much of that piece it should be. What amount of that piece is fair for the teachers, but also can reflect performance? I hope we are at the right spot with 15 percent.

Assemblywoman Duran:

We need teachers. Some of this may be punishing them. They have a passion for teaching and spend a lot of time doing it. I have a question about section 6, subsection 2. It says, "Upon the request of the counselor, librarian or other licensed educational employee, a reasonable effort must be made to assist the employee to improve his or her performance." Who will make that effort, and what is "reasonable"? How much time would there be until the next evaluation? Is there an appeals process? We need tools to be successful. Does the teacher have to request help?

Senator Harris:

Your first question was who would be responsible for providing the additional assistance. It is a team effort. We should be providing resources through administration, peers, or anyone who could help. It will be the responsibility of those doing the evaluating and the teacher's superiors. The directive in what you read is not focused on the teacher; it is focused on those we expect to be there to support our teachers. That piece is a dictation that you must do everything you can do to support the teacher and help the teacher to improve. Your second question was about how often teachers are evaluated.

Assemblywoman Duran:

Once a teacher receives the letter saying improvement is needed, how long until there would be another evaluation?

Senator Harris:

Teachers are evaluated annually, so if you are a developing teacher, you will not be reevaluated in three months to see if you have improved.

Assemblywoman Duran:

A year is a long time. If I am doing something wrong, I should be able to have someone teach me. That person could watch to see if I implement their instruction. If I have to wait a whole year for an evaluation, I will be in a new set of circumstances. I think it is too broad.

Senator Harris:

I understand your question. I do not know if it might be wise for us to mandate more evaluations, but I want you to know that an important part of this piece is the support for the teacher so that teacher can do better. We will not just evaluate teachers, then leave them out on their own to try to figure out what they did wrong or how they could do better. The electronic tool will ideally contain the resources to help teachers grow and improve. I will have to think in the interim about the process of seeing how a teacher is doing between the annual evaluations.

You asked if there was an appeals process. Yes, there is. Section 7, subsection 1, paragraph (a), states a teacher may request the next evaluation be done by a different administrator.

Assemblywoman Tolles:

Overall, I think this bill is taking us in the right direction. It is a good next step in the evolution of the conversation about how to do this correctly. I appreciate that the bill includes feedback; every profession has feedback. It is when we get good, solid feedback that we are able to learn from it and practice our profession to the best of our abilities. I like the aspects in this bill that clarify the process, being able to electronically provide the feedback directly to employees in a good time frame. I think that is efficient and appropriate. The bill includes strategies for support. If we are going to get feedback, we have to get support in order to respond to it.

In the discussion about 20 percent of the evaluation, moving to 15 percent in subsequent years—I can understand the desire to keep that consistent across the board. I appreciate that you are trying to walk the line of various stakeholders. We started implementing student learning goals at the higher education level. I appreciate they add objectivity, but I can appreciate the frustration with the amount of time they take.

In section 6, we added counselors, librarians, and other licensed educational employees. Would you provide more background about why this was expanded to include the other

professions? What was their feedback—did they welcome it? Is there also an appeals process in place for them?

Senator Harris:

I have not heard from other licensed educational professionals about their inclusion in this bill. The impetus for their inclusion was the recommendation from the Teachers and Leaders Council to include them. Ms. Salazar will likely testify about this.

Assemblywoman Tolles:

What is the appeals process for them?

Senator Harris:

It is my understanding they would have the same appeals process. They could ask for another administrator to do an evaluation.

Vice Chairman Flores:

We have more questions from the Committee. We will lose the feed to Las Vegas soon, so in the interest of having those who wished to testify have that ability, we will stop the questions now. We will take testimony in support, opposition, and neutral. If there are other questions from the Committee, we will address them then.

We will take testimony in support of Senate Bill 475 (1st Reprint). I will not limit the length of testimony, but will ask testifiers to try to restrict comments to two minutes. If someone has already stated what you would say, it is fine to say you agree.

Jordana McCudden, Private Citizen, Las Vegas, Nevada:

I am a Teach Plus Nevada Teaching Policy Fellow and I have been an educator in the Clark County School District for 19 years ([Exhibit C](#)). I currently work as an instructional coach for new teachers and served on the Nevada Educator Performance Framework (NEPF) task force, composed of teachers from Teach Plus Nevada and administrators who are alumni of the Public Education Foundation's Executive Leadership Academy, which made recommendations to the Teachers and Leaders Council that led to the formation of S.B. 475 (R1).

Teachers want to improve their practice. The intention of Nevada's teacher evaluation system is to support teachers in that endeavor, but several problems have relegated it into a series of boxes to be checked off on the way to being rated as an effective teacher. Senate Bill 475 (1st Reprint) addresses these issues and, if passed, will go a long way to improving student outcomes.

In my job as an instructional coach, I can tell you with confidence that having honest conversations with teachers through the lens of the evaluation tool has had a tremendous effect on the quality of their teaching. But, as it stands, teacher evaluations have been relegated to a bifurcated system of identifying teachers as either effective or not effective, giving little room for teachers and administrators to have honest conversations. It is nearly impossible to develop skills if you are not given the tools or the coaching to identify areas needing improvement. By removing the label "developing" as a path for dismissal, principals can be honest in grading their teachers. With the addition of the online observation tool, principals can support their teachers by linking professional development opportunities to their observation notes. This way, teachers can immediately begin to refine their skill. Teachers must create student learning goals and monitor their progress over the school year. Currently, that goal weighs at 40 percent of the entire evaluation, diluting the value of the instructional practices. Senate Bill 475 (1st Reprint) calls for a dramatic reduction of that weight to 20 percent, and then to 15 percent. This shifts the focus back to improved instructional standards rather than a single assessment.

This bill is not a perfect solution to fix all problems with the teacher evaluation, but it is a strong step forward in making the evaluation system one of support and growth, rather than punishment and stigma. Voting "no" on this bill means that nothing in this broken system changes. Let us get this fixed and continue working to improve it over the interim.

Linda Jones, Political Field Coordinator, Clark County Education Association:

I am here to thank Senator Harris for carrying this bill. The Clark County Education Association is in support of the bill as written.

Pam Salazar, Chair, Teachers and Leaders Council of Nevada, Department of Education:

I would like to thank you for hearing this bill and would especially like to thank Senator Harris for moving this bill forward. These are the recommendations we brought to Senator Harris. They reflect a lot of hard work and commitment by the members of the council.

I would like to address Assemblywoman Tolles' question about the other licensed educational personnel. In 2015 and 2017, The Teachers and Leaders Council was tasked with creating the NEPF for licensed educational personnel. The language included had been absent in *Nevada Revised Statutes* Chapter 391. It was added to ensure that they are addressed.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

I have an expert here with me today. This is the fourth session that I have represented the school district. We have worked on a teacher evaluation bill every single session. This is an evolution. Washoe County School District is in a unique position because we adopted using student data as part of teacher evaluations early, through a U.S. Department of Education program called the Teacher Incentive Fund. It provides financial incentives for high-performing teachers based on student achievement data. Dr. Paul will talk about our experience with that. We have several years' worth of information we can use to help inform

decisions as we go forward. We have also invested in an electronic system called MyPGS that is intended to do many of the things outlined in this bill, providing electronic feedback to our teachers. We then provide them with relevant professional development opportunities based on the information provided in their evaluations. We understand the discussion on using 15 to 20 percent of the student data; we are in support of less than 40 percent. Senator Harris has been helpful in asking for our feedback, which we have provided. We are here today in support.

Mike Paul, Executive Director, Human Resources, Washoe County School District:

For several years before the state adopted student learning goals for student outcomes across the state, we were in receipt of a large Teacher Incentive Fund grant. A part of that grant required student outcomes in evaluations for teachers. We chose to use student learning goals as our student outcome measure for evaluations. At the time, we decided to use them for 15 percent of the evaluations. During the development of that process, it was clear that there is no denying they are a lot of work. The conversations and collaboration between teachers and administrators on instruction and the reason behind student learning objectives or student learning goals made it clear that the focus was on teaching and instruction, not the process of student learning goals. We have noticed since they have come online across the state and the percentage of the evaluation has increased, the focus has turned toward compliance. We have gotten away from the true meaning of student learning goals. There is even an element of fear associated with them—teachers think they have to get them done, and they will have a negative impact on their evaluations. There is a lot of conversation that the true meaning of learning goals is not there anymore. We are welcome to bringing the percentage back down to where it should be, where it is enough to matter and pay attention to, but the shift needs to go back to what they are intended for, which is working through assessment and instruction. We need to turn the focus back on teaching and learning. We are in support of that.

As Ms. Anderson said, we have an electronic platform that we work through with our evaluations. It provides immediate and almost real-time feedback for evaluations and feedback and observation feedback that is directly tied to professional learning that we provide within our district. It is extremely valuable. It would be great to see that provided across the state. We are definitely in support of the measures provided in this bill.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We want to thank Senator Harris for taking on this tough bill. We also appreciate the fact that we have been at the table and able to be involved in the work groups. Dr. Salazar has worked on this for years. She will probably still be working on this for years to come because this is an evolving process. We have come a long way, and we probably have other things to tweak on it. Evaluation is important to help people be better at their jobs. This is to get good feedback for people who are not in the right job and need a career change. This helps them make decisions on what they are doing with their lives. Making "developing" more meaningful and not punishment-oriented is a very important piece. We are in support.

Deanne Hicks, Private Citizen, Reno, Nevada:

I have been a teacher in Nevada for 26 years ([Exhibit D](#)). I was educated in Nevada in elementary school and junior high. I chose the University of Nevada, Las Vegas. I went on to get a master's degree, and I am a National Board-certified teacher in literacy. I have enjoyed this conversation today. It has sparked my mind. At times, my gut wrenched. As a teacher, for the past five years I have completed student learning objectives. Yes, it does take extra time. Yes, it is more on my plate. Yes, it improves my teaching practice. As a reflective teacher, it is a component of the evaluation system that reminds me every day that it is not about me; it is about what is best for students. Sometimes what is best for me is not what is best for students, and vice versa.

I think using student learning goals for 20 percent of an evaluation is fair. As a teacher, it brings enough weight that it matters. When the percentage is lower than that, we are in a situation where if something else is on my plate, this does not become important. At the same time, I would also like to say there is a lot on that plate. Yes, this does add extra time. If you remove any kind of self-reflective practice from the evaluation, what would go in its place? If you keep it at this, what can you take off my plate so that I have the opportunity to spend the quality time I need with the students in my classroom as well as the quality time I need for planning?

I do not think any one of these pieces is in isolation; they do not exist in a vacuum. The student learning goals is not, by itself, without any kind of professional development or an online tool that helps us move forward with immediate feedback—ideas and expert advice to help me move forward. At the same time, as a developing teacher, this opportunity to improve myself instead of just being worried about losing my job, that is included as part of it as well. It continues to be a part of an ever-evolving cycle as a teacher where I might be good today, but tomorrow I am going to be great. When I show up tomorrow, I am good; the next day, I am going to be great. We are never going to be at the end. The standards tell me the minimum level of expectation I have for my students. Our teacher evaluation system needs to also represent what is the minimal level of expectation for our teachers.

Vice Chairman Flores:

Is there anyone else wishing to speak in support? [There was no one.] Is there anyone present who would like to testify in opposition to Senate Bill 475 (1st Reprint)?

Tom Wellman, President, Retired Committee, Nevada State Education Association:

I am a resident of Senate District No. 1. I have comments from members who could not be here today because they are working in their classrooms.

Megan Evans, a member of the Nevada State Education Association, wrote:

I have spoken with many teachers since the start of student learning objectives. In the beginning, people looked at them as a way to learn about their teaching through some classroom research to discover what was working and what was not. It became apparent they would be used punitively. From

that point on, teachers wasted educational time to do a student learning objective based on what they know their students will improve on. It is an embarrassment to true teaching through learning and hypothesizing and improving.

Using student learning objectives to punish teachers takes away the meaning of good teaching. They take time out of the real work of discovering what does and does not work for students. If they were scored based on the work and learning done by educators, that would be one thing; but, much like how Nevada education is run, it is another empty threat that goes nowhere to improve student learning.

This letter is from Courtney Hubert, also a member of the Nevada State Education Association:

I am a fourth-grade teacher with 19 years of experience. I am teaching the highest number of students I have ever had—35. I do not believe 20 percent of my evaluation should be based on student-growth data. I firmly believe that my students would show more growth if there were less of them. I cannot connect emotionally with all of them as I would like, and definitely do not give them as much individualized attention as I wish I could. We cannot continue to have the highest class sizes in the nation and expect teachers to make students show considerable growth each year. Please address our huge class-size issues before you blame teachers for students' lack of results.

Steve Horner, Private Citizen, Las Vegas, Nevada:

I am a resident of Senate District No. 9 and Assembly District No. 35. I am a U.S. Army veteran, vice president of the Nevada State Education Association Retired Committee, and Clark Retired Education Association. Above all of this, I am a grandfather of students in the Clark County School District. In February of 2018, my daughter passed away. Her youngest son became our child to raise, and his education is a major concern in our family. My grandson was enrolled in Tarkanian Middle School. His teachers, counselors, and administrators knew that he was new to an urban school and that he was in an emotional upheaval. They also knew that all of the student data created during his transition was, and still is, tainted and not representative of either their ability to teach or his ability to learn. His teachers are faced not with just my grandson, but sometimes up to 50 students in a period with various stories and troubles, yet they still teach and produce students who learn in many different styles and speeds. My grandson's teachers have done an outstanding job; they are professional and knowledgeable. They should be evaluated on those abilities, not on 15 percent of student learning goals. Teachers deserve evaluations that reflect their abilities to reach and engage students, rather than meeting artificially-set goals or objectives. I urge the Committee to please reject S.B. 475 (R1). Learning is about how to learn, not what facts can be memorized and then tested. Please allow our students to become life-long learners.

Gerri North, Private Citizen, Las Vegas, Nevada:

I am a retired elementary school teacher of 33 years, a guest teacher since 2010, and current president of the Clark Retired Education Association.

I am speaking in opposition to S.B. 475 (R1). A teacher has zero control over the influences in his or her students' lives, including the amount of sleep, nutritious food, and health and vision care they receive. Parental attitudes toward education and the home environment have a huge impact on the child's attitudes, self-control, and willingness to do the work.

Socioeconomic factors play a huge part in the attitudes and support of a student. In some families, getting an education is secondary while the family focuses on economic survival. Children who do not feel safe cannot concentrate on lessons. The news last night reported that 20 percent of the students in Las Vegas schools did not feel safe. I was recently in a fifth grade classroom where I did not feel safe, and I did not feel I could keep those children safe. One child was punched in line in drama class and had to visit the nurse. Several students refused to sit down for any of the lessons. A chair was thrown. While preparing to go home, another student told me she did not feel safe, so I kept her by my side. I was only there half a day. I also saw four primary students around the building refusing to follow directions of a staff member who patiently stood by them, repeating directions to get the children to go to their rooms. None were successful. Children have legally been given the power to disregard directions and the adults are rendered ineffective.

It is extremely unfair to base a teacher's evaluation on 15 percent of student learning objectives and goals for that grade level when so many issues come into play: language barriers, learning disabilities—identified or not—and class size. Many students start the year far below grade level, and bringing them up to grade level should count in the teacher's favor.

Please reconsider this percentage issue and give credit to the teachers for all the miracles they manage with inadequate funding, large class size, and varying support from families.

Carmen Andrews, Private Citizen, Henderson, Nevada:

I am a high school Spanish teacher in the Clark County School District in my twenty-second or twenty-third year. I agree with a lot of the parts of this bill, and there are a lot of things that need to change, but I am speaking against S.B. 475 (R1) today because any amount of the student learning goals in our evaluations is too much. You have heard a lot of testimony that I can certainly back up. My plate is not just overflowing; I cannot even pick it up anymore. There is no more time in the day, and every year we are given more things to do.

When you pick a student learning goal, it is an arbitrary choice. No one is going to pick something they cannot prove because it will be used against them. It really becomes a dog and pony show. Assemblywoman Miller brought up the subject of teachers and music and being given student learning goals that have nothing to do with their areas. I have a friend who is an orchestra teacher. His student learning goals are the same as every teacher's in that school: "Students will achieve 70 percent proficiency on paragraph writing using the RACE [restate, answer, cite, explain] strategy." If I had students in his class in music, I would much

rather they have their time spent learning music, which actually helps their mathematics, as opposed to being taught English in a music class by a teacher who is not licensed to teach English.

Since the change to the Nevada Educator Performance Framework (NEPF), I have never been rated as a highly effective teacher, only as effective. [She held up a sheet of paper]. The blank box here is marked "to be determined." This is the criteria they were using to evaluate our student learning goals. I was rated 3, as effective based on no criteria. It is completely arbitrary as to what you get rated.

I think you could probably ask your colleague and my former student, Assemblyman Flores, if that bland rating is truly representative of my abilities as a teacher. The student learning goal is just one other thing on my plate that I cannot even pick up. It takes away from what I want to be doing, which is teaching my students. This is why I am speaking against this today because it is just a dog and pony show. Get rid of the student learning goals completely, and please just let me teach.

Vice Chairman Flores:

I do not think you should have opened that Pandora's Box. For those at the Legislature who like me—you can give credit to Ms. Andrews. For those of you who do not like me, she did try to keep me out of it, and I am still here. I appreciate everything she did for me while I was in high school.

Harry Beall, Member, Board of Directors, Nevada State Education Association:

I live in Assembly District No. 3 and Senate District No. 3. I am a retired high school teacher, and I am currently on the Board of Directors of the Nevada State Education Association (NSEA). I would like to give some highlights of some of the emails Nevada teachers have written in opposition to S.B. 475 (R1).

Victoria Kniestadt says that incentivizing teachers to produce high test scores by making 40 percent of their job evaluation come from those test scores is simply not fair, and a recent survey showed 90 percent of Nevada teachers agree with her. She would like to see student test scores comprise zero to 10 percent of a teacher's evaluation.

Nancy Cole, a teacher in Carson City at Empire Elementary School, writes, "Please listen to teachers, as we are the ones working with students." She says teachers work hard to give students the best education they can and asks that you believe in teachers like they believe in their students. She says student test scores should comprise 10 percent or less of teachers' evaluations.

Your main focus as legislators, she said, should be to support education by supporting Nevada families, to make sure families receive a wage that allows them to provide for housing, food, utilities, clothing, and other essential needs. She would also like to see you promote skill training for jobs for those parents who cannot gain a competitive job and to promote books in the home. Cole says, "Students who come to kindergarten ready to learn

remain competitive when the home supports education." If we keep our families in poverty, she said, this situation will not change.

Cole also urges that you spend the money to get classroom ratios down to 20 students to 1 teacher.

Vice Chairman Flores:

Is there anyone in Las Vegas wishing to speak in the neutral position? Would you please identify yourself? I want to make sure everyone has a chance to speak. We will continue taking testimony in opposition to S.B. 475 (R1).

Natha C. Anderson, Private Citizen, Reno, Nevada:

I am usually an English teacher. I want to talk from that point of view instead. I am in opposition to this bill. I agree with the majority of the bill. There are two parts I have problems with—section 4, subsection 2, paragraph (c) and section 4.5, subsection 2, paragraph (c). I would like that to be consistent for 15 percent. I understand where my colleagues from Clark County are coming from with saying a different number, but I come from an environment where we have strong professional learning communities.

I was blessed with peers where we were able to sit down, truly look at lesson plans together, take a pretest, and go over why, exactly, this student did so much better because of how Mr. Poole taught it as opposed to how I did. The student learning goals and student learning objectives were truly being used how they should have been—as a way to help me become a stronger teacher and a way to help my students. The way it is currently being used is not helping us. One reason why is this—our actual evaluation rubric, in addition to the student learning objectives and student learning goals ([Exhibit E](#)) [she held up printed material]. This 13-page document contains the items we are actually evaluated on.

We are evaluated on "planning and preparation," as we should be [page 2, ([Exhibit E](#))]. That is lesson planning, making sure our students have the knowledge necessary. We are evaluated on "classroom environment," as we should be. That is creating an opening, welcoming environment—even though we might have 38 students in the class—and managing classroom behaviors and procedures so our students are acting the way they should. We are evaluated on instruction. Are we able to differentiate our questions? Are we able to figure out if this is the right time of year for this novel to be taught? Or, do I need to do this differently?

We are evaluated on "professional responsibility." Frankly, professional responsibility is not a high enough percentage, in my opinion. If we were able to get a consistent percentage of 15 percent from here on out, we could have that other 5 percent go into professional responsibility, which includes developing partnerships with families. As a high school English teacher, this is an important thing for my seniors. I made it a point to get to know my seniors' parents in August, which was difficult. In February, when senioritis hits and I notice a student missing classes, the relationship with the family matters. Right now, that is not a high enough percentage. I believe participating in the professional community itself,

relationships with colleagues, and creating a culture in which we are able to speak with each other to be more aware of the language choices that we use comes from professional responsibilities.

I appreciate how much Senator Harris has met with me lately and how much work she has put into this. Many of the members I represent today feel the same way—that our student learning objects and our student learning goals serve a purpose, but they should not be where they are right now. Having the consistency of 15 percent would allow for the other elements to be just as important. I ask for your support of the majority of this bill, but also for the bill to be amended to be 15 percent, with the additional 5 percent added to professional responsibilities.

I understand there were questions earlier about what it means when someone does not receive a strong evaluation. As president of my association, I can go into that if you would like. If there are questions, I would be happy to answer them.

Vice Chairman Flores:

There are none at this time.

Dawn Miller, Private Citizen, Reno, Nevada:

I have been a music teacher in the Washoe County School District for 24 years. I also am a member of the school that wrote the very first student learning objectives in Washoe County, in which the percentage was 15 percent. My experience with the student learning objectives over those years has been positive. As a music teacher, I am the only one in my school teaching that subject, but it gave me the opportunity to sit with fellow music teachers from other schools to discuss our craft and find out what our pivotal standard was and where do we move. As the percentage was raised, those conversations have ended. When I was at a 15 percent or below, I had the opportunity to have that conversation with my administrator. She would come into my room and see, read, and understand where I was moving a student or my classroom. I sent my full evaluation to the Senate Committee on Education, if you would like to see it. At 40 percent, my students did not make enough growth, so my student learning objectives have been deemed a failure. I sat down for a weekend and broke down my students' scores. My students made amazing growth, but it was not enough growth to show in the student learning objectives process. At 15 percent, my administrator and I would have talked about what happened, where the students went, and how they moved. At 40 percent, the text messages were, "I am sorry. There is nothing we can do. It is deemed a failure." I would like the opportunity to have the student learning objective (SLO) or student learning goal (SLG) come back to conversations—with my colleagues and with my administrator—in which we look at what is best for students.

Vice Chairman Flores:

I was asked by Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27, to remind you that you are the best music teacher ever. I was ordered to put that on the record.

Kathleen Watty, Private Citizen, Incline Village, Nevada:

I am a retired Washoe County School District educator. I would like to read some letters we have received from current teachers.

Dear Assembly member,

As a special educator of severely impaired students, we are expected to write student learning objectives based on grade-level standards, instead of showing growth at their level with their goals through their individualized education programs, which are more important than standards. For example, my student may be in Grade 12 but is working on writing the first letter of their name, giving eye contact, and following a simple direction. It does not seem fair to hold 20 percent of our evaluation on standards that there is no way our students will ever achieve. You can only bend a standard so far before it becomes "not the standard" at all.

That is Carlyn Perona.

I teach in a contained special education classroom, teaching students with exceptionalities. I work very hard to ensure that all my students gain skills and abilities while also keeping one eye on the evaluation rubric to ensure that I am improving myself professionally and documenting my efforts to demonstrate my efforts to my principal. Should 20 percent of my efforts go into demonstrating my students master the one or few standards that make up the student learning objectives lesson? Ideally, I am following the same pattern of data collection, analysis, lesson design, lesson implementation, assessment, re-implement, then formal data collection with all of the lessons I implement. Is it fair that 20 percent of my evaluation be on the student performance of this one lesson? Does this not motivate me to put undue emphasis on this one lesson? Spend more time than warranted? Take time away from other standards and learning goals? Is that what is best for students.

That is from Christine Silva.

Our classrooms are made up of uniquely different students with vastly different abilities and needs. I have two students with IQs under 70. Others have students with severe behavior issues, and we have students with chronic absences. How can this be held against me?

That is from Susan Elson.

Alexander Marks, Political Coordinator, Nevada State Education Association:

I will be the carrot top of government relations today as I hold up a stack of emails that were sent to you and to the Senate related to reducing student learning objectives and student learning goals to zero percent. If you cannot feel the frustration in this document, you can carry it around in your briefcase all afternoon. This is a serious issue. I would like to read one more letter.

I work at a Title I school with a student population that is predominantly low-income families that struggle with many challenges at home. Drug issues, crime, gang violence, abuse, parent incarcerations, and poor living conditions are just a few of the issues many of my students face on a daily basis. How are my students supposed to focus on standardized tests when their brains are constantly in fight-or-flight mode, trying to think of a way to help their families, worrying about their families, or even trying to think of a way to escape for their own lives?

On top of this, many of my students are English language learners. In addition to their poor home lives and lack of parental support these students struggle reading, writing, understanding, and speaking the language that all of standardized tests are given in—English. Their scores count towards my evaluation.

Now the state of Nevada is dictating my evaluation and my effectiveness as a teacher based on the very students who are not concerned about the test they just took, but instead are worried about how they are going to feed themselves and their siblings for dinner because their parents are not around. This is unjust and unfair to teachers everywhere.

While I support the use of data from standardized tests to measure growth and improve my practice as an educator to help them, I do not support almost half or even 20 percent of my evaluation being determined by a single goal based on my students' achievement. My evaluation should be based on my work, my practices, my pedagogy, and my effort, not that of my students who are fighting just to survive the tough world they have been brought into through no fault of their own.

I support evaluations based on instructional practice, leadership, and professional responsibilities. Please lower the student learning objectives percentage component of the NEPF. Make evaluation for teachers in this state fair. Please do not let our students suffer. Lower the student learning objectives/student learning goals percentage component and help teachers, help our students, and help our state.

I hope through reading all these letters today you got a real-world sense of what this bill looks like in an actual classroom. That was our intent. I do not envy your in-boxes, but I cannot apologize for our awesome members who wrote some really poignant and thoughtful things.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

We submitted a policy memo to the Committee ([Exhibit F](#)). It outlines many of the concerns about the use of student data in teacher evaluations that we have heard during this Committee meeting today. We reached out to our members to solicit input through emails, and we did a survey [he held up a copy of ([Exhibit G](#))]. It includes the results from over 3,700 active classroom teachers. The data that around 90 percent of teachers do not feel the current evaluation system is effective came from this survey [page 2, ([Exhibit G](#))]. Over two-thirds of those responding thought the appropriate use of student data in teacher evaluations was zero, 10 percent, or some number in between. I will read the updated memo ([Exhibit H](#)).

NSEA commends the State Board of Education for listening to teacher concerns on the use of student data in teacher evaluations and supports the proffered compromise of 15% starting the upcoming school year.

NSEA continues to advocate for teacher evaluations based on instruction practice, leadership, and professional responsibilities. While we believe student data should not be included in teacher evaluations, NSEA has been open to compromise during this legislative session on what percentage to set for the use of SLO/SLGs. NSEA supported this committee's bill, AB 460, to set the percentage at 10%. We were then open to conversations with Chair Thompson and Senator Harris about going to 15%. However, given 2/3 of teachers in the state responding to our survey indicated the most appropriate use of student data was between 0 and 10%, we have not been comfortable supporting 20%.

Thus we are opposed. To continue:

The Teachers and Leaders Council makes recommendations to the Board of Education related to the Nevada Educator Performance Framework. This morning, the Board of Education overturned the TLC recommendation of 20% for the use of student data, instead proffering a 15% compromise. NSEA appreciates Board members for hearing teachers' concerns and supports this recommendation.

Vice Chairman Flores:

Is there anyone else wishing to speak in opposition to Senate Bill 475 (1st Reprint)? [There was no one.] Is there anyone present who would like to testify as neutral to the bill? [There was no one.] After closing remarks from the bill's presenter, the Committee will have further questions.

Senator Harris:

We have done a lot of talking. I agree with a lot of what was said. The idea of an orchestra teacher having to be judged on paragraph writing is absurd. That should suggest these are not being implemented properly. There is a problem with how these are being done. If we look at the state standards, the student learning goals are supposed to be done in collaboration between principals and teachers. If that were happening, all teachers would not have the same student learning goals. That is not how these are intended to work. If I were a physical education teacher and I were being judged on how well my students wrote paragraphs, I would want the percentage to be zero, too. But, we have standards about how these are being implemented—that is the problem. The standards are not being followed anywhere close to how it is supposed to be done.

I also agree on class size. Let us change that. Let us fix that. Our teachers are overwhelmed by the number of students in their classrooms. That issue needs to be addressed, but it probably is not germane to this bill.

I was disturbed to hear that a student's test score is counting for 40 percent of a teacher's evaluation. I am okay with having student test scores count for zero percent of a teacher's evaluation. Student learning goals should not be the same as test scores. They are not meant to be decided by students taking the Smarter Balanced Assessment Consortium at the beginning of the year and at the end of the year to determine if there was growth. That is not what the student learning goals are. It disturbs me to hear that teachers are being evaluated based upon how a student does on a test on any given day. That is a problem with how it is being implemented. We have to fix that.

I heard from Ms. Anderson that she thought if we went from 20 percent to 15 percent, the other 5 percent should go to professional responsibilities. I think that is a great idea. I also think we should have more discussion about it to see if everyone else agrees with us. It is also my belief, given that it is guaranteed in this bill that it is going to 15 percent in the school year after, we have time to start that discussion right now about where that other 5 percent goes. That is why I put it in the bill that way. Starting tomorrow, we can figure that out, but I do not know if there is enough time to have the discussions and go through the process of implementing it for the next school year. I think we want to give more time for that discussion.

I would like to take people back to some of these positive experiences you heard from teachers in opposition—back to the good old days, when it was 15 percent. They could talk to each other and it was about growth and learning. We were not afraid to have conversations. That is where we want to go; that is where I would like to go. I would like to create that environment for our teachers once again. We have a lot to learn from how Washoe County School District was doing it previously, when they felt they were gaining so much success that they felt they lost when we bumped it up to 40 percent. Let us bring it back down. Let us help facilitate the discussion that needs to happen to get the growth out of our teachers that we are all looking for.

I heard something that was confusing—the idea the evaluation would be based on any one lesson. Student learning goals are not meant to be based on any one lesson or any one topic. As a matter of fact, there should be a couple of different points of growth that will be measured. You should see growth out of all or mostly all of your students in order to receive the "4" evaluation; for the "3," a majority of your students should see growth. It should never be just focused on one simple thing, then push that thing to get what you want out of the student learning goals.

There is a lot of work that needs to be done on how these are implemented and the impact they are having on teachers. I think this is an important and necessary step forward.

Vice Chairman Flores:

We will take questions from Committee members.

Assemblywoman Torres:

We have had many conversations about this piece of legislation in the weeks leading to this presentation. We need to continue to have these conversations. In your closing remarks, you said the student learning goals should not be about one goal. In Clark County School District, if we choose two standards, that is what our student learning goals are based on. We choose two College- and Career-Readiness Standards, and we also have to choose Common Core State Standards. Throughout our student learning goals, we are monitoring student growth based only on those standards. That does not mean I am not teaching the other standards, it just means these are ones I am assessing. You said the student learning goal should not just be one standard, but that is exactly what the student learning goal is.

It is also important for us to note that the student learning goal is not accurately representative of the student; there is no consistency. While I am a high school English teacher, Ms. Anderson and I may test and grade the standard completely differently.

I wanted to clarify, for the record, how the student learning goal is implemented. You stated the implementation is ineffective. If that is the case, we should not have one more year where it is at 20 percent.

Senator Harris:

I appreciate the open discussion. I am always open to have discussions, especially with educators when we are talking about education. I agree that common standards need to be put into place about how these are implemented across the board. A bit more standardization would be fantastic. I agree they are not currently being done properly; hence, we are going to study the effectiveness of the NEPF and get some recommendations on how to continually make it better.

You mentioned that keeping it at 20 percent for one more year would be harmful. I would suggest that is not what we are doing. We are dropping it from 40 percent to 20 percent in one year, and then to 15 percent thereafter. Another year at 40 percent would be entirely too much for our teachers. With this bill, we are giving them relief right now, cutting it in half

right now, with a guaranteed 5 percent thereafter. That may change in the next legislative session, but that is true with every piece of legislation.

I will do my best to continue to have these conversations. Some things can be legislated; some cannot. I will continue to do my best to make this the best system it could be. I understand we are far short of that right now.

Assemblywoman Gorelow:

What would be the consequences if an administrator decided not to follow these steps?

Senator Harris:

Is your question, What would happen if an administrator refuses to evaluate a teacher or refuses to evaluate a teacher on the percentage prescribed?

Assemblywoman Gorelow:

What would happen if an administrator refused to evaluate a teacher on the percentage prescribed?

Senator Harris:

I do not know if that would be possible, especially given we are going to implement the electronic tool. State law says it cannot be less than 15 percent. I would expect that standard to be applied in the same way all of the other standards we expect administrators, teachers, students, and citizens to uphold.

Assemblywoman Hansen:

One of the letters read was from a special education teacher. Are special education teachers held to the same standard for student performance? Are teachers of students with disabilities being compared to other special education teachers?

Natha Anderson:

Our special education teachers are evaluated using a student learning objective/student learning goal. The method they are being compared to is not to a comparative age. There was a misstatement. The standards for the Grade 12 special education teacher is not in a professional learning community with the remaining Grade 12 teachers. Her students are community-based students, so her professional learning community is other community-based teachers of special education. When she sets the idea of where her score will be by the end of the six to eight weeks, it is only based upon where she believes her students should be. It is not a score based upon what the rest of the professional learning community believes it should be.

Some schools say there has to be a specific percentage of growth, but with special education students sometimes there are some specific things that do not allow you to do that. You have to be realistic. There has to be some growth. Marvin Picollo School is one of our exceptional schools in Washoe County. It is for students who are not going to traditional schools. They usually enter at about age 3 or 4 and graduate out of the system at age 23.

They are not being compared to our traditional Robert McQueen High School or to our traditional schools. To do that to the students or the teachers would be unfair. They still have to perform some form of the student learning objectives/student learning goals.

Our Washoe County School District department has done a great job of getting some alternative areas. There is also something in the NEPF that allows that.

Assemblywoman Miller:

I know you understand how passionate everyone in this room is about this topic. We appreciate and understand that 20 percent is much better, although it may not be best in everyone's opinion. The narrative seems different when people oppose things. Our Vice Chairman will tell you that we had a hearing in another committee in which he was trying to do something excellent, but he was opposed because he did not go far enough.

Two topics continue to come up. We talk about not having enough qualified teachers, especially in lower-performing schools or schools that are deemed 1-Star or 2-Star schools or schools in certain areas. This has always been part of the conversation. A teacher may happen to be at a high-performing school because of all the other environmental and parental influences. Those students are performing, so teachers get effective and highly effective scores because the teachers are great or because of the school. Why would any teacher want to go into a 1-Star or a 2-Star school where, because of the issues in those environments, it would lower their scores? They could now be perceived as ineffective teachers.

You also brought up class sizes. When you wrote this NEPF, did you envision class sizes of 40 or more students? The evaluation says "all." No one is picturing the class size when writing the evaluation, "all" means 100 percent. If I have 52 students in my class, that means all 52 students. Do you feel it would be appropriate to have a carve-out for teachers with excessive class sizes? One letter mentioned trying to reach all of the students to give them everything they need, but teachers are not given everything they need in resources and conditions. Would you please speak to that?

Senator Harris:

Do I think class size should be a consideration? Yes. I do not know if it is appropriate to add that as one of the categories under one of the four broader categories if it is more appropriate to offer a different percentage. This bill is a Senate Committee on Education bill. I do not feel it belongs to me; this is a stakeholder process. I think we should have further discussions about what it should look like. Would it be better to use percentage as an indicator or to offer a staggering percentage? Those are discussions that will be needed with people who are not in this building—teachers, Nevada Department of Education, and the Teachers and Leaders Council. I think all of the stakeholders should come together. That is not something I would personally be opposed to.

I would like to add that we should lower class sizes.

Assemblywoman Miller:

Amen.

Vice Chairman Flores:

Are there any additional questions? [There were none.] [([Exhibit I](#)) was submitted and made a part of the record.] We will close the hearing on Senate Bill 475 (1st Reprint). Is there anyone here for public comment? [There was no one.] This meeting is adjourned [at 4:27 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

RESPECTFULLY SUBMITTED:

Joan Waldock
Transcribing Secretary

APPROVED BY:

Assemblyman Edgar Flores, Vice Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony dated May 2, 2019, presented by Jordana McCudden, Private Citizen, Las Vegas, Nevada, in support of Senate Bill 475 (1st Reprint).

[Exhibit D](#) is a letter dated April 30, 2019, presented by Deanne Hicks, Private Citizen, Reno, Nevada, in support of Senate Bill 475 (1st Reprint).

[Exhibit E](#) is a document titled "My PGS: Washoe County School District Professional Growth System, Teacher Evaluation Rubric," presented by Natha C. Anderson, Private Citizen, Reno, Nevada.

[Exhibit F](#) is a policy memo dated April 30, 2019, presented by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in opposition to Senate Bill 475 (1st Reprint).

[Exhibit G](#) is a document titled "Nevada Teacher Evaluation Survey," presented by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association.

[Exhibit H](#) is an updated memo dated May 2, 2019, submitted by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in opposition to Senate Bill 475 (1st Reprint).

[Exhibit I](#) is a letter dated April 28, 2019, authored and submitted by Connie Thomson, Private Citizen, Elko, Nevada, in support of Senate Bill 475 (1st Reprint).