

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

**Eighty-First Session
February 18, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:35 p.m. on Thursday, February 18, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblywoman Rochelle T. Nguyen
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

Assemblyman Richard McArthur (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Kristi Robusto, Committee Policy Analyst
Amanda Marincic, Committee Counsel
Nicholas Christie, Committee Manager
Sarah Baker, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Kristen McNeill, Ed. D., Superintendent, Washoe County School District
Brenda Pearson, Director, Strategic Policy Initiatives, Clark County Education Association
Emily Ellison, Chief Human Resources Officer, Washoe County School District
Felicia Gonzalez, Deputy Superintendent, Educator Effectiveness and Family Engagement, Department of Education
Ben Hayes, Chief Accountability Officer, Washoe County School District
Marie Neisess, President, Clark County Education Association
Paige Barnes, representing Nevada Association of School Boards
Alexander Marks, Communications Specialist, Nevada State Education Association
Mary Pierczynski, representing Nevada Association of School Superintendents
Freeman Holbrook, President-Elect, Washoe School Principals Association
Brian Rippet, President, Nevada State Education Association
Jeff Horn, Deputy Executive Director, Clark County Association of School Administrators and Professional-Technical Employees
Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber
Sarah Nick, Management Analyst, Legislative Liaison, Department of Education
Ed Gonzalez, Private Citizen, Las Vegas, Nevada
Yvonne Sweeten, Private Citizen, Henderson, Nevada

Chair Bilbray-Axelrod:

[Roll was called. Rules and protocols were explained.] I will now open the hearing on Assembly Bill 57. Superintendent McNeill, please begin when you are ready.

Assembly Bill 57: Temporarily suspends certain requirements relating to certain teacher and administrator evaluations. (BDR 34-434)

Kristen McNeill, Ed. D., Superintendent, Washoe County School District:

I am here to present, as you know, Assembly Bill 57, and I am joined by two members of our team, Mr. Ben Hayes and Ms. Emily Ellison. You have been provided a document for your use that explains the components of this proposed legislation [[Exhibit C](#)].

As background, the Washoe County School District Board of Trustees voted to move forward with this piece of legislation back in August of 2020. The school year had just begun, and as you heard, in Washoe County we were operating under three different models of learning: in-person, hybrid, and full distance. While our team worked diligently over the summer to lay the groundwork of this reopening plan, there was a tremendous amount of stress and anxiety in our system.

With that in mind, our intent was to take as many tasks off our teachers' plates as possible. We wanted them to be able to focus on their students' physical, emotional, and academic needs. We knew this school year would be like no other, and that has turned out to be so

true. There were many unknowns and unanswered questions about learning and our families' ability to support learning at home.

We believe that temporarily eliminating the requirement for teachers to create student learning goals (SLGs) that are required by law to account for 15 percent of their evaluation was just a small step our administration could take in relieving that level of anxiety. The pause on student learning goals is just that, it would expire in school year 2023-2024 as you can see in sections 1 and 2 of A.B. 57.

Washoe County School District was an early adopter of using student achievement data as part of teacher evaluations all the way back to the Teacher Incentive Fund grant we received as a district from the federal government to pilot this work back in 2012. Since then, we have learned many lessons about good and bad ways to use student achievement data and creating the appropriate incentives around student performance. These lessons lead us to believe that temporary elimination of student learning goals will not negatively impact our students.

There are likely ways we could minimize the time commitment the SLG development process has on our teachers and administrators, but that minimization would result in a lesser product. Standardizing the process is the opposite of the intent of an SLG, which is designed to be a customized process between a principal and a teacher.

Make no mistake, recovery from this pandemic will take more than one year. Our teachers need to have that space to set lofty targets without threat, compliance distractions, or unintended consequences. We believe moving forward with this pause will send a message to our teachers that they are free to be innovative, be creative, and set aggressive academic goals for our students without trepidation that coming up short of those stretch goals will negatively impact their evaluation or employment status. There is enough anxiety in our system now without adding to it. We expect our building principals to drive those high expectations for all teachers and students through existing evaluation processes and continuous feedback.

Again, teachers continue to receive robust evaluations that provide for accountability and feedback based on rigorous academic standards from their administrator. Madam Chair, we agree that there is some evidence in SLG outcomes as an approach to educator accountability. The issue at hand, though, is the pandemic has shifted the ways teachers need to be responsive to students' needs based on available data.

This is a time for support, flexibility, grace, and the ability to change course to meet students' basic and educational needs. We need to honor our teachers as professionals who are working incredibly hard and spending ample extra time right now. Our teachers work in professional learning communities and use the Plan-Do-Study-Act cycle, which is far more responsive to analyzing real-time data and ensuring growth in standards for the time being.

For now, individual SLGs as part of performance evaluations will distract from necessary collaboration and likely weaken expectations. We ask you to honor that the educational profession has changed due to this pandemic, and that there are instructional shifts teachers must make. They need time to make those changes, the courage to take those risks, and the ability to understand our students' needs. We need to look at diagnostic data, which gives a clearer picture of immediate student needs. This is not about appeasing any group; this is about doing what is best and putting the focus where it needs to be, on our students.

Lastly, we understand that the current language may negatively impact a pilot program in the Clark County School District (CCSD) related to compensation for teachers who meet student achievement benchmarks. We were not aware of that program when the bill was drafted and would certainly consider any amendment related to allowing that program to continue uninterrupted, as a friendly amendment, once we have been able to review the language. I am pleased to be available to answer any questions of the Committee, along with our chief accountability officer Ben Hayes and our chief of human resources (HR) Emily Ellison. Thank you again for taking the time to hear this important legislation.

Chair Bilbray-Axelrod:

Thank you, Superintendent McNeill. As mentioned, we do have a proposed amendment from the Clark County School District and the Clark County Education Association that we are going to hear before we open it up to questions [[Exhibit D](#)]. Superintendent, I was under the assumption that you have reviewed the amendment, perhaps someone in your office might have, and I was under the assumption that it was considered a friendly amendment and that you had seen the language. After it is read, if you could just clarify that, then we will open it up to questions.

Kristen McNeill:

Absolutely, thank you, Chair.

Brenda Pearson, Director, Strategic Policy Initiatives, Clark County Education Association:

I want to thank, first of all, Lindsay Anderson and the Washoe County School District for the time you spent with us trying to make this language work with the original bill that you have put forth. We really appreciate the time and energy you spent with us.

The amendment [[Exhibit D](#)], as you probably have in front of you, states thus:

Notwithstanding the amendatory provisions of section 2 of this act, if an agreement entered into before the effective date of this act between a school district and an employee organization provides incentives to teachers on the basis of learning goals for pupils established pursuant to NRS 391.480, a teacher who is subject to such an agreement may continue to develop learning goals for pupils pursuant to NRS 391.480 to satisfy the requirements of the agreement for the duration of the agreement.

Two years ago starting in the 2019-2020 academic year, we began a program called the Innovative Schools Pilot Program, also known as the Innovative Eight Middle School Pilot Project; essentially what we did was we focused on eight middle schools that were in the bottom 5 percent performing in the state. We really took a look at what can help teachers improve their practice and how we can ensure that administrators are part and parcel collaborating with the teachers to improve student achievement.

We found great success, but the reason why I am here today is the SLGs are a key component of the rubric we use in order to evaluate a teacher's progress. They have a pay-for-performance model that is incorporated within a three-year program and we are in the middle of the second year right now. In bringing this bill forward, we want to make sure that we have a little carve-out for these folks because part of their requirement is to have an SLG in place, to monitor the progress of their students, and add a bit of accountability to see what has happened and what growth has happened over the year. With that, I will take any questions.

Chair Bilbray-Axelrod:

Thank you very much. Superintendent McNeill, have you had a chance to look over the amendment?

Kristen McNeill:

Yes, it is friendly and we are fine with it. Thank you, Madam Chair.

Chair Bilbray-Axelrod:

Thank you for that. With that I will open it up to questions. Assemblywoman Nguyen?

Assemblywoman Nguyen:

I was looking at some of the aspects of other ways and other places in our statutes that we legislate evaluations like this, and I could not find any. I think this might be the only one. I was wondering if I am incorrect on that. And then, can you describe the process in which teachers are evaluated and how they are held accountable for demonstrating student learning?

Brenda Pearson:

I do not know the statute offhand that incorporates student learning goals, but essentially what a teacher does at the beginning of the school year is they review the data that they have on the books or state-based data that they have received over the last year, and they decide what are the deficits or the weaknesses that may be existing within that class or that group of students that they may have.

They do a baseline data and then they target their instruction throughout the year to increase and improve the academic performance of a specific standard or area of standards. They monitor those across the year and at the end of the year they are going to report back to their administrator how much growth has been made. At the beginning of the year, they set a goal saying 90 percent of my students will become proficient in this standard. At that end of the time, they are evaluated against that mark.

That is what our Innovative Eight Middle School Pilot Project has done. At this moment, I can share with you that the data that we have seen for these eight middle schools, even within the midst of a pandemic, is higher than the district average in most cases. That is something we are very proud of.

Assemblywoman Nguyen:

I appreciate as this relates to the SLGs, but do teachers only assess students using the SLG? Or are there other ways that teachers assess students? I am assuming there are.

Brenda Pearson:

Yes, thank you for the question. Yes, they do, of course. There are statewide assessments that we use. We have district-level assessments that we use. Within the student learning goals, they are required to use three, I believe, assessments across the year so they can show growth across time. That is an important component of what we are doing.

Yes, there are many different assessments, but these are the targeted ones because we really want to make sure, for example, that if the student's knowledge of mathematics is low and they are at a middle school, they need to make sure that they are focusing on that number sense or their ability to compute. That is how we are able to track and make sure we are focusing on standards that are going to help these students with college and career readiness.

Kristen McNeill:

In order to answer that question, I would like our chief HR officer Ms. Emily Ellison to walk through what the evaluation process looks like because I think that will help provide some additional context to this.

Emily Ellison, Chief Human Resources Officer, Washoe County School District:

The student learning goal is just one component of the comprehensive evaluation system. When we think about the process that employers engage in and that our teachers and administrators engage in, it is really a comprehensive process that starts at the beginning of the year. Probationary and postprobationary teachers experience a little bit of differentiation in terms of the number of observations that occur. If you think about what is happening at a high level, the year starts off with a goal-setting process, then prior to each formal observation that occurs in the classroom, there is what is called a "preconference." During that process, administrators and educators are reflecting on what can be expected to be seen during that observation, what standards are being taught, and what strategies the teacher is anticipating using so the administrator knows what they are looking for as they are going into the classroom. Then the observation occurs; that is a defined period of time in which the administrator is in the classroom and experiences that environment with the educator. Finally there is a postconference, and those three steps are part of a comprehensive system of planning for, observing, and then reflecting on performance as it relates to the standards and student achievement. Artifacts and student work products are also embedded into those stages. A teacher might, for example, during a postconference and during that reflective process, work with their administrator to provide other examples that illustrate what they are

experiencing in the classroom ongoing. The student learning goals are just one component of a comprehensive performance evaluation and development system.

Assemblywoman Nguyen:

I appreciate your explaining it. Obviously, I come at it from a very different perspective in watching my children undergo incredible amounts of standardized testing and other things that, it turns out, are not necessarily assessing them. It looks like it is assessing their teachers, and it seems like an overwhelming number of things. In other professional agencies, I have never seen this lack of autonomy that our teachers are given. I appreciate the explanations. I will probably follow up after this meeting for some more details and conversations about this.

Chair Bilbray-Axelrod:

Thank you, Assemblywoman Nguyen. I was also going to point out that we do have representatives from the Department of Education. I do not know if the representative would like to speak on this now.

Felicia Gonzalez, Deputy Superintendent, Educator Effectiveness and Family Engagement, Department of Education:

I do not have anything else to add to this conversation. I do want to say that Ms. Ellison did a great job and Dr. Pearson also did a fabulous job, but I am also here and available to answer any questions related to the student learning goal or to the Nevada Educator Performance Framework (NEPF) evaluation if any additional clarification is needed.

Assemblywoman Miller:

Before I ask a question, we did have the first amendment addressed [[Exhibit D](#)], but I was just wondering if there was another amendment. Has everyone presented that was planning on presenting?

Chair Bilbray-Axelrod:

I believe we only have the one amendment.

Assemblywoman Miller:

Okay. My first question is, Do the NEPF and SLGs apply to charter schools?

Amanda Marincic, Committee Counsel:

The student learning goals are required to be developed pursuant of *Nevada Revised Statutes* (NRS) 391.480. I believe that just applies to school districts, not charter schools.

Assemblywoman Miller:

Are charter schools not using the NEPF and SLGs?

Amanda Marincic:

That is specifically for the SLGs. The broader performance frameworks, I believe, only apply to the board of trustees of school districts, not charter schools.

Assemblywoman Miller:

To my understanding, it is in statute that the board of trustees for each district actually should be reviewing evaluations each year for their staff. Is that true?

Amanda Marincic:

That is correct.

Assemblywoman Miller:

If that is correct, is this bill redundant? Would the school boards have the ability to waive the SLGs on their own? Superintendent McNeill's presentation echoes exactly everything that we are hearing educators and parents express. In that case, the trustees could review the evaluation process. If they see that the SLG is inappropriate at this time, would they have the ability to actually waive it themselves?

Amanda Marincic:

Pursuant to NRS 391.465 which is proposed to be amended by section 1 of A.B. 57, currently the SLG determines pupil growth as determined by the SLGs that are required to be developed pursuant to NRS 391.480. As the statute currently reads, the SLGs of pupil growth account for 15 percent of the evaluation of the teacher and that is statutorily required. Therefore, currently the school board is not able to waive the 15 percent requirement that is tied to the SLGs.

Assemblywoman Miller:

They should be enforcing the fact that the law says SLGs are supposed to be teacher-centric where the teacher actually determines what the goals for the students are and how it should be measured. As we come back session after session after session, we know that that is not happening.

My last question, and this may be for the Washoe County School District directly, is, there was a study and reports were presented during the interim Legislative Committee on Education; it was presented from many different committees. The University of Nevada, Las Vegas (UNLV), I believe it was, did a study on the NEPF overall and did not have the most favorable things to say about its effectiveness in what people, especially noneducators, believe is the actual goal, which is if you hold teachers even more accountable, you will get better results.

I was just wondering if that study's results were part of your consideration or was this something, as a district, that you had determined beforehand. I was just wondering if you could speak a little bit more on how you came to—because, again, with past history, knowing where Washoe County stood on SLGs and the NEPF—I was just wondering how you came to this place in support of teachers and administrators because they are subject to this as well. Did that evaluation have any impact on your decision?

Kristen McNeill:

I will go back to our original testimony, and it was taking a look at what our teachers as well as our principals are facing right now during this extraordinary time. What could we do as district leadership to help relieve some of that additional stress and pressure on them at this point in time? I will have Mr. Hayes go to your specific points about the study.

Ben Hayes, Chief Accountability Officer, Washoe County School District:

We are familiar with the study, and to Superintendent McNeill's earlier point, we were privileged to get a Teacher Incentive Fund grant about ten years ago that we rolled out student learning objectives (SLOs). We have our program evaluation and impact evaluation from that. What we found at that time, similar to the findings that UNLV had, is that there is a slight need at the beginning and then it levels out. What we have found since it has been part of the teachers' evaluation is that there is a tendency, whether subconsciously or not, speaking as an accountability propeller-head, there has been a tendency to lower goals. What I mean by that is: three years ago, 82 percent of our students were meeting our student learning goals, the year after that 86 percent, and then in the most recent year 89 percent.

We have not seen that growth in learning consequent with that, so I think there has been a tendency. I am sure you are all fairly familiar with Campbell's Law—if you use any one metric, it is bound to be corrupted. What I would say is the UNLV study, our program evaluation, and our data—my looking at and analyzing the data—has shown that this has not been an accountability metric. It has maybe become more of a distraction and compliance metric, whereas we are trying, especially in this pandemic time, to get through professional learning communities and teacher collaboration—loftier goals that teachers are not afraid to miss because it will impact their livelihood.

Set loftier goals and we know that the Nevada School Performance Framework—which is nicknamed the "star system"—is a more transparent and collaborative framework. Teachers and principals look to that more for marking student growth. Again, 82 percent, then 86 percent, then 89 percent were meeting their student learning growth targets. However, our district has been fairly flat—frustratingly flat—at about 46 percent proficient and about 48 percent of our students making their adequate growth goals in order to get to proficiency, which is all measured from a bigger Smarter Balanced assessments (SBAC) which is more psychometrically valid. Obviously, it does not guide instruction as much. I hope I answered your question.

Assemblywoman Miller:

It seems like you said that the actual student learning goal to measure student learning goals was not measuring student learning goals?

Ben Hayes:

Correct.

Assemblywoman Miller:

Okay, just wanted to make sure I heard that correctly. Thank you.

Assemblywoman Torres:

Thank you for your presentation. I really do appreciate this piece of legislation, Superintendent McNeill. I have had a lot of teachers reaching out to me over the last couple of weeks about their disappointment having to do the SLG. Teachers are having difficulty getting ahold of students. There are students that may not be present, but we are having those students now complete the SLG even when we have changed how we are marking attendance. With positive attendance the student might be present, but that does not necessarily mean the students are completing the work.

It is becoming cumbersome and strenuous for educators to ensure that the SLG gets completed, because we definitely want 100 percent completion when we are completing that assessment. My concern with the legislation is not with the bill in and of itself, but rather with the amendment. I am hoping to get some clarification on the amendment that is being presented today. I am very familiar with the Innovative Eight schools and the work they are doing in our community. In fact, one of them is in my district and very close to my home. My concern as I look at this amendment, which I would like clarified for the record, is whether or not the intent is for us to require that teachers complete the SLG and continue to make it a part of the evaluation for that educator; so that these teachers are now being evaluated based off of that SLG as they have been expected to be in the past. Or whether or not the intent is for them to be required to still complete it, but it is no longer an evaluation mechanism.

Brenda Pearson:

The answer is that it is not going to be added into their evaluation. The intent is for them to maintain the requirement of creating and monitoring a student learning goal, but it is not necessarily factored into their evaluation. The language of the amendment [[Exhibit D](#)] does say "such an agreement may continue to develop learning goals," so during the remainder of this school year, we have, for all intents and purposes, to maintain the student learning goal as it is. We need to go back to the drawing board when it comes to the second year to make sure that these are the best measures of accountability that we can have for these Innovative Eight middle schools.

Assemblywoman Torres:

Is there language that could be added so that teachers will not be penalized for the outcomes of the SLG for this year regardless of whether or not they are in those innovation schools? I would hate to see a teacher penalized for that at this time.

Brenda Pearson:

I will speak with Brad Keating about that and see if we can reach out to Lindsay Anderson and the Washoe County School District again. Thank you for that advice.

Assemblyman Flores:

I am going to preface my question because I do not want to give the impression that I use this lens. Rather, I have gotten emails and a bunch of people raising concerns and raising the flag about what this means to their child. Understandably, we all want our kids to come in at

a certain level and have some type of understanding that they are growing. I know that our teachers are working incredibly hard. This piece of legislation looks to give them the flexibility and takes away some of those parameters to be able to utilize their own skill set and their own creativity to help these kids excel.

I also want to speak to those parents who have sent us emails and who have called us to help reassure them and let them understand that it is not what they think. We are not somehow going to create some type of environment where their kids are not growing. I am going to leave the question open-ended, so I can give you the flexibility to navigate through that. This is more intended for those parents so that they understand that that is not what we are doing here.

Kristen McNeill:

You are absolutely right; this has nothing to do with taking away accountability and looking at our students for growth. We want our teachers to be able to dive in and diagnostically take a look at where a student is now and where they are going to be going. In fact, within the Washoe County School District, we are putting forward a two-year strategic plan exclusively around that, around response and recovery, and that is what we want our teachers to be able to do—to have innovative ways to be able to provide that support for their students. I absolutely appreciate that sentiment that your parents are expressing and this has nothing to do with taking away a teacher's ability to track progress for their students.

Ben Hayes:

I do not have much to add to Dr. McNeill's point. We want this bill to free up space for teachers to do more of what we call "diagnostic assessments," going a little bit deeper on what the children have maybe lost or not gained what they should have during this pandemic. Whereas, an SLO or an SLG is often a pre- and a post-test or a baseline and a growth after that test. We would like to free up space for diagnostics and then monitoring those diagnostic assessments and how the intervention is going, which does not fit neatly into an SLO at all.

To latch on to Dr. McNeill's point about the two-year strategic plan, a big component of that is family engagement and working with parents on what we need to fill in the gaps that this pandemic has caused. We are definitely on board with that. We have a big initiative of moving our standards-based assessment system back to grade-level standards. Whereas different tests can tell you percentiles and different things like that, we want to be able to communicate with parents, teachers, students' families about how their kids are doing on the pathway to graduation, how they are doing on the grade level standards. That is definitely a big part of it.

Assemblywoman Tolles:

I appreciate this ongoing discussion. We have had the discussion around SLGs and how we monitor and hold accountable while making sure that we are connecting to student outcomes. As a teacher myself, I appreciate that discussion greatly. We know that we are moving towards—already most school districts outside of Clark County have already opened up to—

a hybrid model. We are hoping that more and more of our schools will be able to open up more and more as we get on top of COVID-19.

I know that this goes through the year 2022-2023 and there have been some questions and concerns about that timeline stretching out that far, certainly a great deal of understanding for the purpose of this currently and even into perhaps next year but, if you could speak a little bit to that timeline, I know that there are a lot of people that have questions about that.

Kristen McNeill:

Absolutely, and we can appreciate that as far as the timeline that we have placed into the legislation so far, we will continue to address those concerns. As I said in the original testimony, we are not anticipating that the recovery from this pandemic is going to take just one year. It is going to take a couple of years to really dive in deeply and make sure that our students have all the supports that they need. Again, we will continue to address those concerns and reach out to stakeholders and talk about that timeline as well. We can appreciate that, and we have heard some of that feedback as well.

Assemblywoman Tolles:

I appreciate how collaborative you always are, Superintendent McNeill, with stakeholders. The way this bill is written, is there no wiggle room to be able to add back, if that were to be appropriate? Even if it was just 5 percent or 10 percent, or if you realize that we are getting there sooner by 2022 and 2023. Does this mandate that it has to stay at zero all the way through? Or is there some way to have permissive language so that if we are recovering, reopening, and seeing student progress, it would be appropriate to start to gradually work this back in?

Kristen McNeill:

I think that this is probably better a question that legal counsel can help us navigate.

Amanda Marincic:

As written, the zero percent would be a requirement for each of those years. It is currently not written in such a way that it could be adjusted as needed by the districts or Department of Education.

Chair Bilbray-Axelrod:

I am not seeing any other questions, so we will move on to testimony for support, opposition, and neutral of A.B. 57. We will begin with testimony in support of A.B. 57.

Marie Neisess, President, Clark County Education Association:

The Clark County Education Association (CCEA) represents more than 18,000 licensed professionals in the Clark County School District. We are the largest independent teachers' union in the country and in the state of Nevada. We engage in bipartisan advocacy for advancing public education in Nevada.

We would like to thank the Washoe County School District for bringing this forth and ask this Committee to consider the following: the "Nevada Educator Performance Framework: Impact and Validity Final Report by UNLV Center for Research, Evaluation, and Assessment." The report was presented to the Teachers and Leaders Council in May 2020, and we would like to highlight two glaring conclusions. Number one: Growth on the teacher NEPF has no impact on school achievement growth. In other words, when teachers improve on their evaluation, students do not improve academically.

Number two: Approximately 99 percent of all educators are found to be effective or highly effective on the NEPF evaluation. From this study we know that the lowest-performing schools in Nevada have an equivalent number of effective teachers as the highest-performing schools in Nevada. We can also assume that a third-year teacher is graded as being effective as often as a veteran teacher. These two conclusions are incredibly concerning, and they need to be explored by this Committee. Improvements in a teacher's instructional practice should lead to growth in student achievement.

Educators across Nevada need an objective evaluation that aligns with student outcomes. We ask the Committee to question the current teacher evaluation process and look to other states who have implemented successful evaluation systems. In the meantime, CCEA supports Assembly Bill 57 including the CCSD- and CCEA-friendly amendment which enables educators and their bargaining agents who have entered into an agreement before the effective date of this act that provides incentives to teachers based on learning goals for pupils, established pursuant to NRS 391.480, to continue to develop learning goals for pupils to satisfy the requirements of the agreement for the duration of the agreement. Every educator deserves to work with their students to define learning goals to ensure students walk away from a K-12 public education with the tools necessary to succeed. Thank you.

Paige Barnes, representing Nevada Association of School Boards:

We believe that this is a great way to support our teachers and administrators in these unprecedented times. We want to encourage our students and our teachers to set aggressive goals without the increased anxiety during COVID-19 and the recovery of this pandemic. Thank you so much for your time.

Alexander Marks, Communications Specialist, Nevada State Education Association:

In 2019, you will recall, the Nevada State Education Association (NSEA) sent a letter to each member of the body, regarding over 2,000 emails from educators across the state about why SLO/SLG should be reduced from 40 percent to 15 percent. We still stand by our position that they should be at zero percent. Student assessment should not be used for teacher evaluation. We think it is poor policy, and we just did not think the effort was needed even last session for this type of noncontroversial legislation. That is why we have been rallying under the banner "listen to educators."

I would like to read a letter from educator Dawn Etcheverry who is the NSEA vice president, in support of A.B. 57. [Mr. Marks read a letter written by Dawn Etcheverry, Vice President, Nevada State Education Association.]

My name is Dawn Etcheverry. I have been teaching music in the Washoe County School District for 27 years. Last March, when schools closed their buildings, educators immediately redesigned their curriculum to meet the needs of the children in their classrooms. During the summer, we attended classes and trainings to make sure we were ready to meet the academic challenges ahead of us. Educators have spent, and will continue to spend, hours preparing for the next hybrid lesson. In my class I may have had 60 percent of the class sitting in front of me while 40 percent are participating on a camera on the computer from home.

It is my job as an educator to make sure every child in that class is comprehending and absorbing the information taught. These are the items my evaluation needs to be based upon. It is in this teaching environment that I will need professional coaching and the evaluation shows. This is why I support the Washoe County School District's proposal supporting those educators in this extraordinary time. The ability to suspend SLO/SLGs allows the administrator and educator to work together to make adjustments needed. Teachers are still working through SLOs in every lesson, the difference is that they are not picking ones to receive 15 percent of the evaluation on.

This bill will allow the evaluation of teachers to be based on the teacher's ability to still make those one-on-one connections with students in order to not only teach but make sure their social and emotional needs are being met. Please listen to educators and pass Assembly Bill 57. Thank you.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am here on behalf of the Nevada Association of School Superintendents, which is an organization representing all 17 school superintendents in the state. We want to thank the Washoe County School District for bringing this bill forward. We are in support of the bill and the amendment that has been proposed by Clark County School District. It is a commonsense approach to dealing with the issues the pandemic has created for our teachers and our students. Recovery is going to take a long time and this will help our teachers be able to stretch a little bit and not have fear of loss of employment while they try to move their students quickly along the path to recovery after all this time they have lost in the classroom. We want to thank Washoe County for bringing this forward.

Freeman Holbrook, President-Elect, Washoe School Principals Association:

Our association represents more than 94 percent of principals and administrators in public schools in Washoe County, and we are in support of A.B. 57. We appreciate your consideration and want to express our thanks to the school district for including administrators in this proposal.

Traditionally, teacher evaluations help school leaders support teachers and provide guidance in identifying student needs. Providing evaluation feedback and support to teachers and administrators can both equip them now as they continue to adjust to distance and hybrid learning, as well as inform areas of growth once students and teachers return to their physical classrooms. In this unprecedented time of school closures, districts and school administrators must walk a fine line regarding teacher evaluations. Districts should have the flexibility to hold teachers and administrators harmless from the challenges unique to the coronavirus environment while also continuing to provide valuable feedback. We believe this bill will do that.

Educators and site administrators have been tasked with implementing district, state, and federal directives but did not have direct say in creating the academic environment for our students this year. The lack of assessment and accurate student data from last year in addition to the need for educators and leaders to focus on addressing instructional strategies for remote and online or blended learning environments should compel this body to eliminate the student learning goals from evaluations as outlined in this bill. Should this measure pass, it will allow a path for school leaders and educators to focus on the instructional and well-being needs of their students without the additional stressors of goals that they have limited control over during this unprecedented time. Again, we urge you to pass A.B. 57 as a way to assist students, teachers and administrators in building a path for all to succeed. Thank you for your time and your consideration.

[Written testimony was submitted, [Exhibit E](#).]

Brian Rippet, President, Nevada State Education Association:

I am a science teacher from Douglas County currently on leave, serving as the President of the Nevada State Education Association. I am here to convey my support for A.B. 57, which would pause the use of SLG data to evaluate classroom teachers. This pause will allow teachers to focus on individual students and their needs as we return to full, in-person instruction. It does so by removing a very time-consuming and stressful portion of the evaluation.

Classroom teachers are navigating unprecedented emotional needs of students while assessing and delivering targeted individual instruction. Pausing the SLG mandate will take a significant burden off teachers' and site administrators' plates, allowing them to better serve their students.

There is a second reason I support the SLG pause outlined in A.B. 57 and the amendment. I have served on the Teachers and Leaders Council for the past five years. In that time, we have had many discussions about evolving the NEPF and SLG from a pure accountability tool that targeted and punished educators, to one that embraces collaboration and professional growth as its primary purpose. Your passage of Senate Bill 549 of the 80th Session and numerous Department of Education guidance documents in recent years are evidence of this progress.

One roadblock to realizing the NEPF's potential is the SLG. The SLG is a narrow measure of one standard in one subject, yet it has become an outsized focus of the evaluation in terms of time and stress. Many teachers and site administrators still believe the SLG is a pass/fail, no-adjustments-allowed, high-stakes reporting measure, and often Measure of Academic Progress (MAP) tests are the tool of measure even though they are wholly inappropriate. This is despite great efforts by the Department of Education, NSEA, and others to the contrary.

Pausing the SLG is necessary to allow for a reset of the process so that the teacher-administrator relationship grows through collaboration that is not adversarial. Do not mistake an SLG pause for watering down evaluations. The ten standards and dozens of indicators in the NEPF are the meat of the framework, and all remain in place with this bill. Give teachers and administrators some room to breathe in this remarkable time by supporting A.B. 57. Thank you. [Written testimony was submitted, [Exhibit F](#).]

Jeff Horn, Deputy Executive Director, Clark County Association of School Administrators and Professional-Technical Employees:

Our organization represents approximately 1,300 CCSD administrators, and 98 percent of those eligible to join the association are current members. We would like to voice our support for Assembly Bill 57 as well as the friendly amendment that was made. With the closure of schools for nearly an entire year and uncertainty of how and when all students will be back on campus for face-to-face instruction, we believe that the temporary suspension of the requirements that utilize pupil growth and learning goals on teacher and administrator evaluations through the academic year 2022 through 2023 is appropriate.

Current testing and evaluation commonly used to measure and align pupil growth during student learning has been widely inadequate and does not support meaningful data that should be utilized for measuring student outcomes. It is important to allow time for teachers and administrators to focus on teaching and learning as well as the social and emotional welfare of our students. I thank you for your time and consideration on this bill.

[[Exhibit G](#) was submitted but not discussed.]

Chair Bilbray-Axelrod:

Next we will hear testimony in opposition of A.B. 57.

Paul J. Moradkhan, Senior Vice President, Government Affairs, Vegas Chamber:

I would like to first thank the Washoe County School District for being accessible and having a dialogue about this bill. However, our members who are the employers that hire the graduates from our local school districts are opposed to this bill as written. We recognize that teachers and students have been impacted by COVID-19 and that COVID-19 has brought challenges to all of us throughout our state. We understand the direct challenges that virtual learning has had on student performance over the last year and why there is a request in removing the requirement for the 2021-2022 school year and this current school year. However, we do not agree with the measure carrying into the 2022-2023 school year if

students are back in the classroom. There is also concern that this temporary measure of zero percent performance measure could become a permanent feature in state law. Thank you for your consideration on behalf of Nevada employers who are also the parents of children in our public school system.

Sarah Nick, Management Analyst, Legislative Liaison, Department of Education:

Removing student outcomes from the NEPF would eliminate the components that provide coherence between student learning and educator practice. There are other methods to reduce teacher workloads without compromising positive impacts on student learning. For example, Washoe County School District's student learning objective expectations and schedule for the 2020-2021 school year require the SLO to be drafted then reviewed in multiple stages. This approach increases the workload on teachers and extends the development stage well into the school year. Nevada Educator Performance Framework protocols do not require this multistep approval process.

Secondly, the criteria for assessments to measure progress toward the SLG/SLO have never required standardized assessments. It was always the intent of the Teachers and Leaders Council and the Department of Education that the focus of the SLG/SLO would be determined by student need aligned with the standards and not the standardized assessment available. The choice of assessment should come after setting the SLG and SLO. Aligning the assessment selection with the NEPF protocols would alleviate the concerns regarding lack of access to assessments.

In August 2020, the Department of Education respectfully suggested in a memo to Washoe County [[Exhibit H](#)] two recommendations to reduce educator workload: first, streamlining the SLO approval process to align with the NEPF and, second, allowing true flexibility in the selection of assessments.

Ed Gonzalez, Private Citizen, Las Vegas, Nevada:

I am a member of the school organizational team at Liliam Lujan Hickey Elementary School in Las Vegas. I am speaking in neutral. I was initially supportive of the original bill, but I have some concerns with the amendment. If we are stating that student learning goals are not good data during this pandemic to be used for evaluation, as Assemblywoman Torres has stated, there have to be concerns about using it in a collective bargaining aspect for merit pay in some things. I do not feel anybody else wants to hurt teachers, especially when they have taken a chance to go to a school for incentive pay, but I feel that needs to be reconciled.

Speaking to many educators and administrators, both in my school and in other schools, one of the many metrics that has been used for student learning goals is the MAP test. We have heard stories of that data being skewed by parents unintentionally trying to help students move faster through the test and by doing that we are not getting good data. I think there is a lot of concern about what we are trying to do with this. I am supportive of the concept of reducing it to zero as a temporary measure, but those are some of the aspects that we have seen over at school levels.

More importantly I feel like when we are talking about data, most of the data that we use for evaluation is almost a negative aspect which is, after the fact, not helping teachers as they move through the process; sort of like the end of credit exams that we do for SBAC. I think there needs to be a better look at how we can have real-time data at schools, especially in Clark County, to move forward.

Chair Bilbray-Axelrod:

Do we have any other calls in opposition? [There were none.] We will move on to neutral. Is there anyone wishing to testify in neutral on A.B. 57? [There was no one.] Superintendent McNeill, do have any closing remarks?

Kristen McNeill:

Thank you so much to the Committee for hearing our testimony today, and I would just truly like to thank the Committee. We will continue to work with our stakeholders on the concerns that were brought up today, and we look forward to moving this forward with your Committee.

Chair Bilbray-Axelrod:

With that, I will close the hearing on A.B. 57, and we will move into public comment.

Yvonne Sweeten, Private Citizen, Henderson, Nevada:

I appreciate listening in. What I would like with the teachers and schools—I would just like the Legislature to have the schools back in session and everything back the way that it was. As far as teacher evaluations, I would like those to continue. Thank you.

Chair Bilbray-Axelrod:

I would like to take a point of personal privilege to thank everyone who was online and ready to take questions. I know our Committee really likes to dive deep, so we went out of our way to make sure that everything that I thought would possibly come up would be able to have answers. If you did not get to speak, I appreciate your spending some time with us. Are there any other comments from the members before we adjourn? [There were none.] Our next meeting will be Tuesday, February 23, 2021, at 1:30 p.m.

This meeting is adjourned [at 2:48 p.m.].

RESPECTFULLY SUBMITTED:

Paris Smallwood
Transcribing Secretary

RESPECTFULLY SUBMITTED:

Sarah Baker
Recording Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a document titled "Washoe County School District (WCSD): Assembly Bill 57," submitted by Kristen McNeill, Ed.D., Superintendent, Washoe County School District.

[Exhibit D](#) is a proposed amendment to [Assembly Bill 57](#), presented by Brenda Pearson, Director, Strategic Policy Initiatives, Clark County Education Association.

[Exhibit E](#) is written testimony by Freeman Holbrook, President-Elect, Washoe School Principals Association, in support of [Assembly Bill 57](#).

[Exhibit F](#) is written testimony submitted by Brian Rippet, President, Nevada State Education Association, in support of [Assembly Bill 57](#).

[Exhibit G](#) is a letter dated February 18, 2021, submitted by the Nevada State Education Association, in support of [Assembly Bill 57](#).

[Exhibit H](#) is a letter dated August 31, 2020, authored by Jhone M. Ebert, Superintendent of Public Instruction, Department of Education, regarding measures of student performance, presented by Sarah Nick, Management Analyst, Legislative Liaison, Department of Education, regarding [Assembly Bill 57](#).