

ASSEMBLY BILL NO. 447—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to the statewide performance evaluation system. (BDR 34-1120)

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

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

AN ACT relating to education; authorizing the State Board of Education to provide for evaluations of certain licensed educational personnel and determine the manner in which to measure the performance of such personnel; revising provisions relating to pupil achievement data used as a part of the statewide performance evaluation system; revising the evaluation of teachers and administrators under the statewide performance evaluation system; requiring the State Board to designate assessments that may be used to determine pupil achievement and prescribe the evaluation system and tools to be used by a school district for measuring of an employee's performance; authorizing a school district to apply to the State Board to use an evaluation system and tools and assessments that are different from those prescribed by the State Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Education to establish a statewide
2 performance evaluation system which incorporates multiple measures to evaluate
3 the overall performance of certain employees. (NRS 391.465) **Section 10** of this
4 bill requires the State Board to prescribe the tools to be used by a school district for
5 obtaining such measures. **Section 10** also allows a school district to apply to the
6 State Board to use an evaluation system and tools that are different than the
7 evaluation system and tools prescribed by the State Board.

8 Existing law requires the statewide performance evaluation system to: (1)
9 prescribe the pupil achievement data that must be used as a part of the evaluation



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10 system; and (2) require that pupil achievement data account for at least 50 percent
11 of the evaluation of certain employees. (NRS 391.465) **Sections 10 and 16** of this
12 bill remove the requirement that pupil achievement data must be used as a part of
13 the evaluation system for the 2015-2016 school year. **Sections 11 and 16** of this
14 bill reinstate the requirement that pupil achievement data must be used as a part of
15 the evaluation system and provides that, for the 2016-2017 school year: (1) pupil
16 achievement data derived from statewide examinations and assessments must
17 account for at least 10 percent of the evaluation of a teacher when applicable; and
18 (2) pupil achievement data derived from assessments approved by the board of
19 trustees of the school district that employs the teacher must account for at least 10
20 percent of the evaluation. **Section 11** also: (1) requires the State Board to designate
21 the assessments that may be used by a school district to determine pupil
22 achievement; and (2) authorizes the board of trustees of a school district to apply to
23 the Superintendent of Public Instruction for approval to use a different assessment.
24 **Sections 12 and 16** of this bill provide that, beginning with the 2017-2018 school
25 year: (1) pupil achievement data derived from statewide examinations and
26 assessments must account for at least 20 percent of the evaluation of a teacher when
27 applicable; and (2) pupil achievement data derived from assessments approved by
28 the board of trustees of the school district that employs the teacher must account for
29 at least 20 percent of the evaluation.

30 Existing law requires the board of trustees of each school district to develop a
31 policy for objective evaluations of teachers and administrators that complies with
32 the statewide performance evaluation system established by the State Board.
33 Existing law requires this policy to include an evaluation of counselors, librarians
34 and other licensed personnel. (NRS 391.3123, 391.3125) **Section 4** of this bill
35 authorizes the State Board to provide for the evaluation of counselors, librarians
36 and other licensed educational personnel and determine the manner in which to
37 measure the performance of such personnel. **Sections 6 and 8-12** of this bill require
38 this policy to provide for the evaluation of administrators at a district level who
39 provide direct supervision of the principal of a school.

40 Existing law requires each probationary teacher or administrator to receive
41 three evaluations during each school year of his or her probationary employment.
42 (NRS 391.3127, 391.3129) **Sections 5 and 6** of this bill require a probationary
43 teacher or administrator to instead receive one evaluation during the first school
44 year of his or her probationary employment that must be based in part upon at least
45 three scheduled observations of the teacher or administrator. **Sections 5 and 6** also:
46 (1) reduce the number of observations required for a probationary teacher or
47 administrator during his or her second and third years of probationary employment
48 whose performance is designated as highly effective or effective; and (2) require a
49 probationary teacher or administrator whose performance is designated as
50 minimally effective or ineffective to continue to receive three observations.

51 Existing law also requires each postprobationary teacher or administrator who
52 receives an evaluation designating his or her overall performance as minimally
53 effective or ineffective to be evaluated three times. (NRS 391.3125, 391.3127)
54 **Sections 5 and 6** instead require such a teacher or administrator to receive one
55 evaluation which must be based in part upon at least three scheduled observations.
56 Existing law requires a postprobationary teacher or administrator who receives an
57 evaluation designating his or her overall performance as highly effective or
58 effective to receive one evaluation which must be based in part upon at least: (1)
59 one scheduled observation, if the teacher or administrator receives an evaluation
60 designating his or her overall performance as highly effective; or (2) two scheduled
61 observations, if the teacher or administrator receives an evaluation designating his
62 or her overall performance as effective. (NRS 391.3125, 391.3127) **Sections 5 and**
63 **6** instead require such an evaluation to be based on one scheduled observation.



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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** (Deleted by amendment.)

3 **Sec. 3.** NRS 386.650 is hereby amended to read as follows:

4 386.650 1. The Department shall establish and maintain an
5 automated system of accountability information for Nevada. The
6 system must:

7 (a) Have the capacity to provide and report information,
8 including, without limitation, the results of the achievement of
9 pupils:

10 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
11 the regulations adopted pursuant thereto, and NRS 385.347 and
12 385.3572; and

13 (2) In a separate reporting for each group of pupils identified
14 in the statewide system of accountability for public schools;

15 (b) Include a system of unique identification for each pupil:

16 (1) To ensure that individual pupils may be tracked over time
17 throughout this State;

18 (2) That, to the extent practicable, may be used for purposes
19 of identifying a pupil for both the public schools and the Nevada
20 System of Higher Education, if that pupil enrolls in the System after
21 graduation from high school; and

22 (3) Which must, to the extent money is available for this
23 purpose, include, without limitation, a unique identifier for each
24 pupil whose parent or guardian is a member of the Armed Forces of
25 the United States, a reserve component thereof or the National
26 Guard in a manner that will allow for the disaggregation of each
27 category;

28 (c) Have the capacity to provide longitudinal comparisons of the
29 academic achievement, rate of attendance and rate of graduation of
30 pupils over time throughout this State;

31 (d) Have the capacity to perform a variety of longitudinal
32 analyses of the results of individual pupils on assessments,
33 including, without limitation, the results of pupils by classroom and
34 by school;

35 (e) Have the capacity to identify which teachers are assigned to
36 individual pupils;

37 (f) Have the capacity to provide other information concerning
38 schools and school districts that is not linked to individual pupils,
39 including, without limitation, the ratings of schools and, if available,
40 school districts pursuant to the statewide system of accountability
41 for public schools and an identification of which schools, if any, are
42 persistently dangerous;



1 (g) Have the capacity to access financial accountability
2 information for each public school, including, without limitation,
3 each charter school, for each school district and for this State as a
4 whole; and

5 (h) Be designed to improve the ability of the Department, the
6 sponsors of charter schools, the school districts and the public
7 schools in this State, including, without limitation, charter schools,
8 to account for the pupils who are enrolled in the public schools,
9 including, without limitation, charter schools.

10 ➤ The information maintained pursuant to paragraphs (c), (d) and
11 (e) must be used for the purpose of improving the achievement of
12 pupils and improving classroom instruction. ~~Except as otherwise
13 provided in subsection 9 of NRS 391.3125 and subsection 8 of NRS
14 391.3127, information on pupil achievement data, as prescribed by
15 the State Board pursuant to NRS 391.465, must account for at least
16 50 percent, but must not be used as the sole criterion, in evaluating
17 the performance of or taking disciplinary action against an
18 individual teacher or other employee.~~

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

20 (a) Adopt and maintain the program prescribed by the
21 Superintendent of Public Instruction pursuant to subsection 3 for the
22 collection, maintenance and transfer of data from the records of
23 individual pupils to the automated system of information, including,
24 without limitation, the development of plans for the educational
25 technology which is necessary to adopt and maintain the program;

26 (b) Provide to the Department electronic data concerning pupils
27 as required by the Superintendent of Public Instruction pursuant to
28 subsection 3; and

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

31 3. The Superintendent of Public Instruction shall:

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

35 (b) Prescribe the data to be collected and reported to the
36 Department by each school district and each sponsor of a charter
37 school pursuant to subsection 2 and by each university school for
38 profoundly gifted pupils;

39 (c) Prescribe the format for the data;

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

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

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



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

- 4 (1) Individual pupils;
- 5 (2) Individual teachers;
- 6 (3) Individual schools and school districts; and
- 7 (4) Programs and financial information;

8 (h) Provide technical assistance to each school district to ensure
9 that the data from each public school in the school district,
10 including, without limitation, each charter school and university
11 school for profoundly gifted pupils located within the school
12 district, is compatible with the automated system of information and
13 comparable to the data reported by other school districts; and

14 (i) Provide for the analysis and reporting of the data in the
15 automated system of information.

16 4. The Department shall establish, to the extent authorized by
17 the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §
18 1232g, and any regulations adopted pursuant thereto, a mechanism
19 by which persons or entities, including, without limitation, state
20 officers who are members of the Executive or Legislative Branch,
21 administrators of public schools and school districts, teachers and
22 other educational personnel, and parents and guardians, will have
23 different types of access to the accountability information contained
24 within the automated system to the extent that such information is
25 necessary for the performance of a duty or to the extent that such
26 information may be made available to the general public without
27 posing a threat to the confidentiality of an individual pupil.

28 5. The Department may, to the extent authorized by the Family
29 Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g,
30 and any regulations adopted pursuant thereto, enter into an
31 agreement with the Nevada System of Higher Education to provide
32 access to data contained within the automated system for research
33 purposes.

34 **Sec. 4.** NRS 391.3123 is hereby amended to read as follows:

35 391.3123 ~~{Commencing with the 2015-2016 school year, the~~
36 ~~board of trustees of each school district shall implement and carry~~
37 ~~out the policy}~~ *The State Board may provide* for evaluations of
38 counselors, librarians and other licensed educational personnel,
39 except for teachers and administrators, ~~{required by NRS 391.3125.}~~
40 *and determine the manner in which to measure the performance*
41 *of such personnel, including, without limitation, whether to use*
42 *pupil achievement data as part of the evaluation.*



1 **Sec. 5.** NRS 391.3125 is hereby amended to read as follows:

2 391.3125 1. It is the intent of the Legislature that a uniform
3 system be developed for objective evaluation of teachers ~~and other~~
4 ~~licensed personnel~~ in each school district.

5 2. Each board, following consultation with and involvement of
6 elected representatives of the teachers or their designees, shall
7 develop a policy for objective evaluations *of teachers* in narrative
8 form. The policy must comply with the statewide performance
9 evaluation system established by the State Board pursuant to NRS
10 391.465. ~~The policy must set forth a means according to which an~~
11 ~~employee's overall performance is determined to be highly~~
12 ~~effective, effective, minimally effective or ineffective. Except as~~
13 ~~otherwise provided in subsection 9, the policy must require that~~
14 ~~pupil achievement data, as prescribed by the State Board pursuant to~~
15 ~~NRS 391.465, account for at least 50 percent of the evaluation.~~ The
16 policy may include an evaluation by the teacher, pupils,
17 administrators or other teachers or any combination thereof. ~~In a~~
18 ~~similar manner, counselors, librarians and other licensed personnel~~
19 ~~must be evaluated.~~ A copy of the policy adopted by the board must
20 be filed with the Department. The primary purpose of an evaluation
21 is to provide a format for constructive assistance. Evaluations, while
22 not the sole criterion, must be used in the dismissal process.

23 3. The person charged with the evaluation of a teacher pursuant
24 to this section shall hold a conference with the teacher before and
25 after each scheduled observation of the teacher during the school
26 year.

27 4. A probationary teacher must ~~be evaluated three times~~
28 *receive one evaluation* during each school year of his or her
29 probationary employment. ~~Each~~ *The* evaluation must ~~include~~ *be*
30 *based in part upon* at least ~~one~~ *three* scheduled ~~observation~~
31 *observations* of the teacher during the *first* school year *of his or her*
32 *probationary period* as follows:

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

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

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

40 5. *If a probationary teacher receives an evaluation*
41 *designating his or her overall performance as effective or highly*
42 *effective:*

43 *(a) During the first school year of his or her probationary*
44 *period, the evaluation during the second school year of the*
45 *probationary period must be based in part upon at least two*



1 *scheduled observations of the teacher which must occur within the*
2 *times specified in paragraphs (b) and (c) of subsection 4.*

3 *(b) During the first and second school years of his or her*
4 *probationary period, the evaluation during the third school year of*
5 *the probationary period must be based in part upon at least one*
6 *scheduled observation of the teacher which must occur within 120*
7 *days after the first day of instruction of the school year.*

8 *6. If a probationary teacher receives an evaluation*
9 *designating his or her overall performance as minimally effective*
10 *or ineffective during the first or second school year of the*
11 *probationary period, the probationary teacher must receive one*
12 *evaluation during the immediately succeeding school year which*
13 *is based in part upon three observations which must occur in*
14 *accordance with the observation schedule set forth in subsection 4.*

15 *7. If a postprobationary teacher receives an evaluation*
16 *designating his or her overall performance as minimally effective or*
17 *ineffective, the postprobationary teacher must ~~be evaluated three~~*
18 *~~times~~ receive one evaluation* in the immediately succeeding school
19 *year which is based in part upon three observations which must*
20 *occur* in accordance with the observation schedule set forth in
21 *subsection 4. If a postprobationary teacher ~~is evaluated three times~~*
22 *~~in a school year and he or she~~ receives ~~an evaluation designating~~*
23 *~~evidence from the first two observations during the school year~~*
24 *~~indicating that, unless his or her performance improves,~~ his or her*
25 *overall performance ~~as~~ may be rated as* minimally effective or
26 *ineffective ~~on the first or second evaluation, or both evaluations,~~*
27 *on the evaluation,* the postprobationary teacher may request that the
28 *third ~~evaluation~~ observation* be conducted by another
29 administrator. If a postprobationary teacher requests that his or her
30 *third ~~evaluation~~ observation* be conducted by another
31 administrator, that administrator must be:

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

35 (b) Selected by the postprobationary teacher from a list of three
36 candidates submitted by the superintendent.

37 ~~6-1~~ *8. If a postprobationary teacher receives an evaluation*
38 *designating his or her overall performance as effective ~~+~~ or highly*
39 *effective, the postprobationary teacher must ~~be evaluated~~ receive*
40 *one ~~time~~ evaluation* in the immediately succeeding school year.
41 The evaluation must ~~include at least two scheduled observations as~~
42 ~~follows:~~

43 ~~—(a) The first scheduled observation must occur within 80 days~~
44 ~~after the first day of instruction of the school year; and~~



1 ~~—(b) The second scheduled observation must occur after 80 days~~
2 ~~but within 120 days after the first day of instruction of the school~~
3 ~~year.~~

4 ~~—7. If a postprobationary teacher receives an evaluation~~
5 ~~designating his or her overall performance as highly effective, the~~
6 ~~postprobationary teacher must be evaluated one time in the~~
7 ~~immediately succeeding school year. The evaluation must include~~
8 ~~*be based in part upon* at least one scheduled observation which~~
9 ~~must occur within 120 days after the first day of instruction of the~~
10 ~~school year.~~

11 ~~8. 9.~~ The evaluation of a probationary teacher or a
12 postprobationary teacher pursuant to this section must comply with
13 the regulations of the State Board adopted pursuant to NRS 391.465,
14 which must include, without limitation:

15 (a) An evaluation of the instructional practice of the teacher in
16 the classroom;

17 (b) An evaluation of the professional responsibilities of the
18 teacher to support learning and promote the effectiveness of the
19 school community;

20 (c) Except as otherwise provided in subsection ~~9. 10~~, an
21 evaluation of the performance of pupils enrolled in the school;

22 (d) An evaluation of whether the teacher employs practices and
23 strategies to involve and engage the parents and families of pupils in
24 the classroom;

25 (e) Recommendations for improvements in the performance of
26 the teacher;

27 (f) A description of the action that will be taken to assist the
28 teacher in the areas of instructional practice, professional
29 responsibilities and the performance of pupils; and

30 (g) A statement by the administrator who evaluated the teacher
31 indicating the amount of time that the administrator personally
32 observed the performance of the teacher in the classroom.

33 ~~9. 10.~~ The evaluation of a probationary teacher in his or her
34 initial year of employment as a probationary teacher must not
35 include an evaluation of the performance of pupils enrolled in the
36 school. This subsection does not apply to a postprobationary
37 employee who is deemed to be a probationary employee pursuant to
38 NRS 391.3129.

39 ~~10. 11.~~ The teacher must receive a copy of each evaluation
40 not later than 15 days after the evaluation. A copy of the evaluation
41 and the teacher's response must be permanently attached to the
42 teacher's personnel file. Upon the request of a teacher, a reasonable
43 effort must be made to assist the teacher to improve his or her
44 performance based upon the recommendations reported in the
45 evaluation of the teacher.



1 **Sec. 6.** NRS 391.3127 is hereby amended to read as follows:

2 391.3127 1. Each board, following consultation with and
3 involvement of elected representatives of administrative personnel
4 or their designated representatives, shall develop an objective policy
5 for the objective evaluation of administrators in narrative form. The
6 policy must provide for the evaluation of those administrators who
7 provide primarily administrative services at the school level and
8 who do not provide primarily direct instructional services to pupils,
9 regardless of whether such an administrator is licensed as a teacher
10 or administrator, including, without limitation, a principal and a vice
11 principal. *The policy must also provide for the evaluation of those*
12 *administrators at the district level who provide direct supervision*
13 *of the principal of a school.* The policy must comply with the
14 statewide performance evaluation system established by the State
15 Board pursuant to NRS 391.465. ~~The policy must set forth a means~~
16 ~~according to which an administrator's overall performance is~~
17 ~~determined to be highly effective, effective, minimally effective or~~
18 ~~ineffective. Except as otherwise provided in subsection 8, the policy~~
19 ~~must require that pupil achievement data, as prescribed by the State~~
20 ~~Board pursuant to NRS 391.465, account for at least 50 percent of~~
21 ~~the evaluation.~~ The policy may include an evaluation by the
22 administrator, superintendent, pupils or other administrators or any
23 combination thereof. A copy of the policy adopted by the board
24 must be filed with the Department and made available to the
25 Commission.

26 2. The person charged with the evaluation of an administrator
27 pursuant to this section shall hold a conference with the
28 administrator before and after each scheduled observation of the
29 administrator during the school year.

30 3. A probationary administrator must ~~be evaluated three~~
31 ~~times~~ *receive one evaluation* during each school year of his or her
32 probationary employment. ~~Each~~ *The* evaluation must ~~include~~ *be*
33 *based in part upon* at least ~~one~~ *three* scheduled ~~observation~~
34 *observations* of the probationary administrator during the *first*
35 school year *of his or her probationary period which must occur* as
36 follows:

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

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

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



1 4. *If a probationary administrator receives an evaluation*
2 *designating his or her overall performance as effective or highly*
3 *effective:*

4 (a) *During the first school year of his or her probationary*
5 *period, the evaluation during the second school year of the*
6 *probationary period must be based in part upon at least two*
7 *scheduled observations of the administrator which must*
8 *occur within the times specified in paragraphs (b) and (c) of*
9 *subsection 3.*

10 (b) *During the first and second school year of his or her*
11 *probationary period, the evaluation during the third school year of*
12 *the probationary period must be based in part upon at least one*
13 *scheduled observation of the administrator which must occur*
14 *within 120 days after the first day of instruction of the school year.*

15 5. *If a probationary administrator receives an evaluation*
16 *designating his or her overall performance as minimally effective*
17 *or ineffective during the first or second school year of the*
18 *probationary period, the probationary administrator must receive*
19 *one evaluation during the immediately succeeding school year*
20 *which is based in part upon three observations which must occur*
21 *in accordance with the observation schedule set forth in*
22 *subsection 3.*

23 6. If a postprobationary administrator receives an evaluation
24 designating his or her overall performance as minimally effective or
25 ineffective, the postprobationary administrator must ~~be evaluated~~
26 ~~three times~~ *receive one evaluation* in the immediately succeeding
27 school year *which is based in part upon three observations which*
28 *must occur* in accordance with the observation schedule set forth in
29 subsection 3. If a postprobationary administrator ~~is evaluated three~~
30 ~~times in a school year and he or she~~ receives ~~an evaluation~~
31 ~~designating~~ *evidence from the first two observations indicating*
32 *that, unless his or her performance improves,* his or her overall
33 performance ~~as~~ *may be rated as* minimally effective or ineffective
34 ~~on the first or second evaluation, or both evaluations,~~ *on the*
35 *evaluation,* the postprobationary administrator may request that the
36 third ~~evaluation~~ *observation* be conducted by another
37 administrator. If a postprobationary administrator requests that his
38 or her third ~~evaluation~~ *observation* be conducted by another
39 administrator, that administrator must be:

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

43 (b) Selected by the postprobationary administrator from a list of
44 three candidates submitted by the superintendent.



1 ~~{5-}~~ 7. If a postprobationary administrator receives an
2 evaluation designating his or her overall performance as effective ~~{1}~~
3 *or highly effective*, the postprobationary administrator must ~~{be~~
4 ~~evaluated}~~ *receive* one ~~{time}~~ *evaluation* in the immediately
5 succeeding school year. The evaluation must ~~{include at least two~~
6 ~~scheduled observations as follows:~~

7 ~~—(a) The first scheduled observation must occur within 80 days~~
8 ~~after the first day of instruction of the school year; and~~

9 ~~—(b) The second scheduled observation must occur after 80 days~~
10 ~~but within 120 days after the first day of instruction of the school~~
11 ~~year.~~

12 ~~6. If a postprobationary administrator receives an evaluation~~
13 ~~designating his or her overall performance as highly effective, the~~
14 ~~postprobationary administrator must be evaluated one time in the~~
15 ~~immediately succeeding school year. The evaluation must include}~~
16 *be based in part upon* at least one scheduled observation which
17 must occur within 120 days after the first day of instruction of the
18 school year.

19 ~~{7}~~ 8. The evaluation of an administrator pursuant to this
20 section must comply with the regulations of the State Board adopted
21 pursuant to NRS 391.465, which must include, without limitation:

22 (a) An evaluation of the instructional leadership practices of the
23 administrator at the school;

24 (b) An evaluation of the professional responsibilities of the
25 administrator to support learning and promote the effectiveness of
26 the school community;

27 (c) Except as otherwise provided in subsection ~~{8-}~~ 9, an
28 evaluation of the performance of pupils enrolled in the school;

29 (d) An evaluation of whether the administrator employs
30 practices and strategies to involve and engage the parents and
31 families of pupils enrolled in the school;

32 (e) Recommendations for improvements in the performance of
33 the administrator; and

34 (f) A description of the action that will be taken to assist the
35 administrator in the areas of instructional leadership practice,
36 professional responsibilities and the performance of pupils.

37 ~~{8-}~~ 9. The evaluation of a probationary administrator in his or
38 her initial year of probationary employment must not include an
39 evaluation of the performance of pupils enrolled in the school. This
40 subsection does not apply to a postprobationary employee who is
41 deemed to be a probationary employee pursuant to NRS 391.3129.

42 ~~{9-}~~ 10. Each probationary administrator is subject to the
43 provisions of NRS 391.3128 and 391.3197.

44 ~~{10-}~~ 11. Before a superintendent transfers or assigns an
45 administrator to another administrative position as part of an



1 administrative reorganization, if the transfer or reassignment is to a
2 position of lower rank, responsibility or pay, the superintendent
3 shall give written notice of the proposed transfer or assignment to
4 the administrator at least 30 days before the date on which it is to be
5 effective. The administrator may appeal the decision of the
6 superintendent to the board by requesting a hearing in writing to the
7 president of the board within 5 days after receiving the notice from
8 the superintendent. The board shall hear the matter within 10 days
9 after the president receives the request, and shall render its decision
10 within 5 days after the hearing. The decision of the board is final.

11 **Sec. 7.** NRS 391.3129 is hereby amended to read as follows:

12 391.3129 A postprobationary employee who receives an
13 evaluation designating his or her overall performance as:

14 1. ~~If evaluated pursuant to NRS 391.3125 or 391.3127, as~~
15 ~~applicable:~~

16 ~~(a)~~ Minimally effective;

17 ~~(b)~~ 2. Ineffective; or

18 ~~(c)~~ 3. Minimally effective during 1 year of the 2-year
19 consecutive period and ineffective during the other year of the
20 period, ~~;~~ ~~or~~

21 ~~2. If evaluated pursuant to any other system of evaluation, any~~
22 ~~designation which indicates that the overall performance of the~~
23 ~~employee is below average.;~~

24 → for 2 consecutive school years shall be deemed to be a
25 probationary employee for the purposes of NRS 391.311 to
26 391.3197, inclusive, and must serve an additional probationary
27 period in accordance with the provisions of NRS 391.3197.

28 **Sec. 8.** NRS 391.460 is hereby amended to read as follows:

29 391.460 1. The Council shall:

30 (a) Make recommendations to the State Board concerning the
31 adoption of regulations for establishing a statewide performance
32 evaluation system to ensure that teachers, administrators who
33 provide primarily administrative services at the school level *and*
34 *administrators at the district level who provide direct supervision*
35 *of the principal of a school*, and who do not provide primarily
36 direct instructional services to pupils, regardless of whether licensed
37 as a teacher or administrator, including, without limitation, a
38 principal and vice principal ~~;~~ ~~counselors, librarians and other~~
39 ~~licensed educational personnel employed by school districts~~ are:

40 (1) Evaluated using multiple, fair, timely, rigorous and valid
41 methods ; ~~;~~ ~~which includes evaluations based upon pupil~~
42 ~~achievement data as required by NRS 391.465.;~~

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



1 (3) Provided with the means to share effective educational
2 methods with other teachers ~~;~~ and administrators ~~;~~ ~~counselors,~~
3 ~~librarians and other licensed educational personnel~~ throughout this
4 State.

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

9 (c) Consider the role of professional standards for teachers ~~;~~
10 and administrators to which paragraph (a) applies ~~;~~ ~~counselors,~~
11 ~~librarians and other licensed educational personnel~~ and, as it
12 determines appropriate, develop a plan for recommending the
13 adoption of such standards by the State Board.

14 (d) Develop and recommend to the State Board a process for
15 peer evaluations of teachers by qualified educational personnel
16 which is designed to provide assistance to teachers in meeting the
17 standards of effective teaching, and includes, without limitation,
18 conducting observations, participating in conferences before and
19 after observations of the teacher and providing information and
20 resources to the teacher about strategies for effective teaching.

21 2. The performance evaluation system recommended by the
22 Council must ensure that:

23 (a) Data derived from the evaluations is used to create
24 professional development programs that enhance the effectiveness
25 of teachers ~~;~~ and administrators ; ~~;~~ ~~counselors, librarians and other~~
26 ~~licensed educational personnel;~~ and

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

30 3. The Council may establish such working groups, task forces
31 and similar entities from within or outside its membership as
32 necessary to address specific issues or otherwise to assist in its
33 work.

34 4. The State Board shall consider the recommendations made
35 by the Council pursuant to this section and shall adopt regulations
36 establishing a statewide performance evaluation system as required
37 by NRS 391.465.

38 **Sec. 9.** NRS 391.460 is hereby amended to read as follows:

39 391.460 1. The Council shall:

40 (a) Make recommendations to the State Board concerning the
41 adoption of regulations for establishing a statewide performance
42 evaluation system to ensure that teachers, administrators who
43 provide primarily administrative services at the school level and
44 administrators at the district level who provide direct supervision of
45 the principal of a school, and who do not provide primarily direct



1 instructional services to pupils, regardless of whether licensed as a
2 teacher or administrator, including, without limitation, a principal
3 and vice principal are:

4 (1) Evaluated using multiple, fair, timely, rigorous and valid
5 methods ~~†~~ , *which includes evaluations based upon pupil*
6 *achievement data as required by NRS 391.465;*

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

10 (3) Provided with the means to share effective educational
11 methods with other teachers and administrators throughout this
12 State.

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

17 (c) Consider the role of professional standards for teachers and
18 administrators to which paragraph (a) applies and, as it determines
19 appropriate, develop a plan for recommending the adoption of such
20 standards by the State Board.

21 (d) Develop and recommend to the State Board a process for
22 peer evaluations of teachers by qualified educational personnel
23 which is designed to provide assistance to teachers in meeting the
24 standards of effective teaching, and includes, without limitation,
25 conducting observations, participating in conferences before and
26 after observations of the teacher and providing information and
27 resources to the teacher about strategies for effective teaching.

28 2. The performance evaluation system recommended by the
29 Council must ensure that:

30 (a) Data derived from the evaluations is used to create
31 professional development programs that enhance the effectiveness
32 of teachers and administrators; and

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

36 3. The Council may establish such working groups, task forces
37 and similar entities from within or outside its membership as
38 necessary to address specific issues or otherwise to assist in its
39 work.

40 4. The State Board shall consider the recommendations made
41 by the Council pursuant to this section and shall adopt regulations
42 establishing a statewide performance evaluation system as required
43 by NRS 391.465.



1 **Sec. 10.** NRS 391.465 is hereby amended to read as follows:

2 391.465 1. The State Board shall, based upon the
3 recommendations of the Teachers and Leaders Council of Nevada
4 submitted pursuant to NRS 391.460, adopt regulations establishing a
5 statewide performance evaluation system which incorporates
6 multiple measures of an employee's performance. *Except as*
7 *otherwise provided in subsection 4, the State Board shall prescribe*
8 *the tools to be used by a school district for obtaining such*
9 *measures.*

10 2. The statewide performance evaluation system must:

11 (a) Require that an employee's overall performance is
12 determined to be:

- 13 (1) Highly effective;
14 (2) Effective;
15 (3) Minimally effective; or
16 (4) Ineffective.

17 (b) Include the criteria for making each designation identified in
18 paragraph (a).

19 ~~(c) Except as otherwise provided in subsection 9 of NRS~~
20 ~~391.3125 and subsection 8 of NRS 391.3127, require that pupil~~
21 ~~achievement data account for at least 50 percent of the evaluation.~~

22 ~~—(d) Prescribe the pupil achievement data that must be used as~~
23 ~~part of the evaluation system pursuant to paragraph (c).~~

24 ~~(e)~~ Include an evaluation of whether the teacher, or
25 administrator who provides primarily administrative services at the
26 school level *or administrator at the district level who provides*
27 *direct supervision of the principal of a school*, and who does not
28 provide primarily direct instructional services to pupils, regardless
29 of whether the probationary administrator is licensed as a teacher or
30 administrator, including, without limitation, a principal and vice
31 principal, employs practices and strategies to involve and engage the
32 parents and families of pupils.

33 ~~(f)~~ (d) Include a process for peer evaluations of teachers by
34 qualified educational personnel which is designed to provide
35 assistance to teachers in meeting the standards of effective teaching,
36 and includes, without limitation, conducting observations,
37 participating in conferences before and after observations of the
38 teacher and providing information and resources to the teacher about
39 strategies for effective teaching. The regulations must include the
40 criteria for school districts to determine which educational personnel
41 are qualified to conduct peer reviews pursuant to the process.

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



1 *Board and must include, without limitation, a description of the*
2 *evaluation system and tools proposed to be used by the school*
3 *district. The State Board may approve the use of the proposed*
4 *evaluation system and tools if it determines that the proposed*
5 *evaluation system and tools apply standards and indicators that*
6 *are equivalent to those prescribed by the State Board.*

7 **Sec. 11.** NRS 391.465 is hereby amended to read as follows:

8 391.465 1. The State Board shall, based upon the
9 recommendations of the Teachers and Leaders Council of Nevada
10 submitted pursuant to NRS 391.460, adopt regulations establishing a
11 statewide performance evaluation system which incorporates
12 multiple measures of an employee's performance. Except as
13 otherwise provided in subsection 4, the State Board shall prescribe
14 the tools to be used by a school district for obtaining such measures.

15 2. The statewide performance evaluation system must:

16 (a) Require that an employee's overall performance is
17 determined to be:

- 18 (1) Highly effective;
- 19 (2) Effective;
- 20 (3) Minimally effective; or
- 21 (4) Ineffective.

22 (b) Include the criteria for making each designation identified in
23 paragraph (a).

24 (c) *Except as otherwise provided in subsection 10 of NRS*
25 *391.3125 and subsection 9 of NRS 391.3127, require that pupil*
26 *achievement data account for at least 20 percent of the evaluation.*

27 (d) *Except as otherwise provided in subsection 3, prescribe the*
28 *pupil achievement data that must be used as part of the evaluation*
29 *system pursuant to paragraph (c) which must require that:*

30 (1) *Pupil achievement data derived from statewide*
31 *examinations and assessments must account for at least 10*
32 *percent of the evaluation of a teacher or administrator, as*
33 *applicable; and*

34 (2) *Pupil achievement data derived from assessments*
35 *approved by the board of trustees of a school district that employs*
36 *the teacher or administrator, as applicable, must account for at*
37 *least 10 percent of the evaluation.*

38 (e) Include an evaluation of whether the teacher, or
39 administrator who provides primarily administrative services at the
40 school level or administrator at the district level who provides direct
41 supervision of the principal of a school, and who does not provide
42 primarily direct instructional services to pupils, regardless of
43 whether the probationary administrator is licensed as a teacher or
44 administrator, including, without limitation, a principal and vice



1 principal, employs practices and strategies to involve and engage the
2 parents and families of pupils.

3 ~~(d)~~ (f) Include a process for peer evaluations of teachers by
4 qualified educational personnel which is designed to provide
5 assistance to teachers in meeting the standards of effective teaching,
6 and includes, without limitation, conducting observations,
7 participating in conferences before and after observations of the
8 teacher and providing information and resources to the teacher about
9 strategies for effective teaching. The regulations must include the
10 criteria for school districts to determine which educational personnel
11 are qualified to conduct peer reviews pursuant to the process.

12 3. *The State Board shall, by regulation, designate the*
13 *assessments that may be used by a school district to determine*
14 *pupil achievement pursuant to subparagraph (2) of paragraph (d)*
15 *of subsection 2. The board of trustees of a school district may*
16 *select one or more of the assessments designated by the State*
17 *Board to determine pupil achievement, or the board of trustees*
18 *may apply to the Superintendent of Public Instruction for*
19 *approval to use a different assessment to determine pupil*
20 *achievement.*

21 4. A school district may apply to the State Board to use a
22 performance evaluation system and tools that are different than the
23 evaluation system and tools prescribed pursuant to subsection 1. The
24 application must be in the form prescribed by the State Board and
25 must include, without limitation, a description of the evaluation
26 system and tools proposed to be used by the school district. The
27 State Board may approve the use of the proposed evaluation system
28 and tools if it determines that the proposed evaluation system and
29 tools apply standards and indicators that are equivalent to those
30 prescribed by the State Board.

31 **Sec. 12.** NRS 391.465 is hereby amended to read as follows:

32 391.465 1. The State Board shall, based upon the
33 recommendations of the Teachers and Leaders Council of Nevada
34 submitted pursuant to NRS 391.460, adopt regulations establishing a
35 statewide performance evaluation system which incorporates
36 multiple measures of an employee's performance. Except as
37 otherwise provided in subsection 4, the State Board shall prescribe
38 the tools to be used by a school district for obtaining such measures.

39 2. The statewide performance evaluation system must:

40 (a) Require that an employee's overall performance is
41 determined to be:

- 42 (1) Highly effective;
- 43 (2) Effective;
- 44 (3) Minimally effective; or
- 45 (4) Ineffective.



1 (b) Include the criteria for making each designation identified in
2 paragraph (a).

3 (c) Except as otherwise provided in subsection 10 of NRS
4 391.3125 and subsection 9 of NRS 391.3127, require that pupil
5 achievement data account for at least ~~120~~ 40 percent of the
6 evaluation.

7 (d) Except as otherwise provided in subsection 3, prescribe the
8 pupil achievement data that must be used as part of the evaluation
9 system pursuant to paragraph (c) which must require that:

10 (1) Pupil achievement data derived from statewide
11 examinations and assessments must account for at least ~~10~~ 20
12 percent of the evaluation of a teacher or administrator, as applicable;
13 and

14 (2) Pupil achievement data derived from assessments
15 approved by the board of trustees of a school district that employs
16 the teacher or administrator, as applicable, must account for at least
17 ~~10~~ 20 percent of the evaluation.

18 (e) Include an evaluation of whether the teacher, or
19 administrator who provides primarily administrative services at the
20 school level or administrator at the district level who provides direct
21 supervision of the principal of a school, and who does not provide
22 primarily direct instructional services to pupils, regardless of
23 whether the probationary administrator is licensed as a teacher or
24 administrator, including, without limitation, a principal and vice
25 principal, employs practices and strategies to involve and engage the
26 parents and families of pupils.

27 (f) Include a process for peer evaluations of teachers by
28 qualified educational personnel which is designed to provide
29 assistance to teachers in meeting the standards of effective teaching,
30 and includes, without limitation, conducting observations,
31 participating in conferences before and after observations of the
32 teacher and providing information and resources to the teacher about
33 strategies for effective teaching. The regulations must include the
34 criteria for school districts to determine which educational personnel
35 are qualified to conduct peer reviews pursuant to the process.

36 3. The State Board shall, by regulation, designate the
37 assessments that may be used by a school district to determine pupil
38 achievement pursuant to subparagraph (2) of paragraph (d) of
39 subsection 2. The board of trustees of a school district may select
40 one or more of the assessments designated by the State Board to
41 determine pupil achievement, or the board of trustees may apply to
42 the Superintendent of Public Instruction for approval to use a
43 different assessment to determine pupil achievement.

44 4. A school district may apply to the State Board to use a
45 performance evaluation system and tools that are different than the



1 evaluation system and tools prescribed pursuant to subsection 1. The
2 application must be in the form prescribed by the State Board and
3 must include, without limitation, a description of the evaluation
4 system and tools proposed to be used by the school district. The
5 State Board may approve the use of the proposed evaluation system
6 and tools if it determines that the proposed evaluation system and
7 tools apply standards and indicators that are equivalent to those
8 prescribed by the State Board.

9 **Sec. 13.** The evaluation of teachers and administrators
10 pursuant to NRS 391.3125 or 391.3127 must not include pupil
11 achievement data for the 2015-2016 school year.

12 **Sec. 14.** NRS 391.31211, 391.31212, 391.31213, 391.31214,
13 391.31215, 391.31216, 391.31217, 391.31218, 391.1219 and
14 391.3122 are hereby repealed.

15 **Sec. 15.** Any probationary or postprobationary teacher or
16 administrator who was evaluated for the 2014-2015 school year
17 must be evaluated for the 2015-2016 school year in the manner
18 provided in NRS 391.3125 or 391.3127, as applicable, as amended
19 by sections 5 and 6 of this act. For the purposes of the provisions of
20 those sections, a teacher or administrator who received for the 2014-
21 2015 school year or for any previous school year a rating of:

22 1. Satisfactory, must be considered to have received a rating of
23 effective or highly effective.

24 2. Unsatisfactory, must be considered to have received a rating
25 of minimally effective or ineffective.

26 **Sec. 16.** 1. This section and sections 1 to 8, inclusive, and
27 sections 10, 13, 14 and 15 of this act become effective on July 1,
28 2015.

29 2. Sections 9 and 11 of this act become effective on July 1,
30 2015, for the purpose of adopting regulations and performing any
31 other preparatory administrative tasks necessary to carry out the
32 provisions of those sections and on July 1, 2016, for all other
33 purposes.

34 3. Section 12 of this act becomes effective on July 1, 2017.

LEADLINES OF REPEALED SECTIONS

391.31211 For 2013-2014 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.



391.31212 For 2014-2015 school year: Application by school district to opt out of delay of implementation of statewide performance evaluation system; school district with approved application not required to participate in validation study.

391.31213 Validation study of statewide performance evaluation system; selection of representative sample of teachers and administrators to participate; disciplinary decisions must not be based on evaluations conducted under validation study.

391.31214 Policy for evaluations of teachers and other licensed educational personnel instead of NRS 391.3125 during validation study.

391.31215 Policy for evaluation of administrators instead of NRS 391.3127 during validation study.

391.31216 Status of probationary employees during validation study.

391.31217 Report to Interim Finance Committee on results of 2013-2014 validation study; determination by Interim Finance Committee whether all school districts prepared to implement statewide performance evaluation system.

391.31218 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2014-2015 school year.

391.31219 Observation schedule for postprobationary teachers and administrators if statewide performance evaluation system implemented for 2015-2016 school year.

391.3122 Validation study of counselors, librarians and certain other educational personnel for 2014-2015 school year.

