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

MARCH 17, 2017

JOINT SPONSOR: SENATOR SEGERBLOM

Referred to Committee on Education

SUMMARY—Revises provisions relating to the statewide performance evaluation system for certain educational personnel. (BDR 34-960)

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

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

AN ACT relating to educational personnel; requiring that the statewide performance evaluation system recommended by the Teachers and Leaders Council of Nevada ensure that certain teachers receive the highest score possible in specified areas of evaluation; requiring the State Board of Education to prescribe for such purposes the maximum pupil-teacher ratio in certain grades; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Teachers and Leaders Council of Nevada and requires
2 the Council to make recommendations to the State Board of Education for the
3 adoption of regulations establishing a statewide performance evaluation system for
4 school teachers and certain administrators. (NRS 391.455, 391.460, 391.465)
5 Existing law also generally prescribes the maximum pupil-teacher ratio in each
6 school district for kindergarten and grades 1, 2 and 3. (NRS 388.700) In lieu of
7 complying with the ratio established by statute, smaller school districts are
8 authorized to use alternative pupil-teacher ratios for certain grade levels in
9 elementary schools with the approval of the State Board. (NRS 388.720)
10 **Section 1** of this bill requires that the evaluation system recommended by the
11 Council ensure that a teacher who is teaching in a classroom in which the number
12 of pupils exceeds the maximum applicable pupil-teacher ratio receives the highest
13 possible score on his or her evaluation in certain areas, if those areas are evaluated.



14 For those purposes, for grades in elementary and secondary schools for which
15 no maximum pupil-teacher ratio has otherwise been established, **section 2** of this
16 bill requires the State Board to prescribe the maximum ratio by regulation.

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

1 **Section 1.** NRS 391.460 is hereby amended to read as follows:
2 391.460 1. The Council shall:

3 (a) Make recommendations to the State Board concerning the
4 adoption of regulations for establishing a statewide performance
5 evaluation system to ensure that teachers, administrators who
6 provide primarily administrative services at the school level and
7 administrators at the district level who provide direct supervision of
8 the principal of a school, and who do not provide primarily direct
9 instructional services to pupils, regardless of whether licensed as a
10 teacher or administrator, including, without limitation, a principal
11 and vice principal are:

12 (1) Evaluated using multiple, fair, timely, rigorous and valid
13 methods, which includes evaluations based upon pupil achievement
14 data as required by NRS 391.465;

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

18 (3) Provided with the means to share effective educational
19 methods with other teachers and administrators throughout this
20 State.

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

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

29 (d) Develop and recommend to the State Board a process for
30 peer evaluations of teachers by qualified educational personnel
31 which is designed to provide assistance to teachers in meeting the
32 standards of effective teaching, and includes, without limitation,
33 conducting observations, participating in conferences before and
34 after observations of the teacher and providing information and
35 resources to the teacher about strategies for effective teaching.

36 2. The performance evaluation system recommended by the
37 Council must ensure that:



1 (a) Data derived from the evaluations is used to create
2 professional development programs that enhance the effectiveness
3 of teachers and administrators; ~~and~~

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

7 (c) *Any teacher who teaches in a classroom in which the pupil-*
8 *teacher ratio exceeds the maximum applicable ratio prescribed by*
9 *subsection 1 of NRS 388.700, approved by the State Board*
10 *pursuant to NRS 388.720 or prescribed by regulation of the State*
11 *Board pursuant to NRS 391.465 receives the highest score possible*
12 *on his or her evaluation in the following areas, if those areas are*
13 *evaluated:*

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

16 (2) *Assigning tasks that place appropriate demands on each*
17 *pupil;*

18 (3) *Ensuring that the classroom environment is structured*
19 *in a manner that each pupil is able to collaborate and participate*
20 *and has positive affective experiences;*

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

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

27 (6) *Facilitating communication on a regular basis with*
28 *parents and guardians; and*

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

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

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

39 **Sec. 2.** NRS 391.465 is hereby amended to read as follows:

40 391.465 1. The State Board shall, based upon the
41 recommendations of the Teachers and Leaders Council of Nevada
42 submitted pursuant to NRS 391.460, adopt regulations establishing a
43 statewide performance evaluation system which incorporates
44 multiple measures of an employee's performance. Except as



1 otherwise provided in subsection 4, the State Board shall prescribe
2 the tools to be used by a school district for obtaining such measures.

3 2. The statewide performance evaluation system must:

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

- 6 (1) Highly effective;
- 7 (2) Effective;
- 8 (3) Minimally effective; or
- 9 (4) Ineffective.

10 (b) Include the criteria for making each designation identified in
11 paragraph (a).

12 (c) Except as otherwise provided in subsections 2 and 3 of NRS
13 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil
14 achievement data account for at least 40 percent of the evaluation.

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

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

21 (2) Pupil achievement data derived from assessments
22 approved by the board of trustees of a school district that employs
23 the teacher or administrator, as applicable, must account for at least
24 20 percent of the evaluation.

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

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

43 3. The State Board shall, by regulation, designate the
44 assessments that may be used by a school district to determine pupil
45 achievement pursuant to subparagraph (2) of paragraph (d) of



1 subsection 2. The board of trustees of a school district may select
2 one or more of the assessments designated by the State Board to
3 determine pupil achievement, or the board of trustees may apply to
4 the Superintendent of Public Instruction for approval to use a
5 different assessment to determine pupil achievement.

6 4. A school district may apply to the State Board to use a
7 performance evaluation system and tools that are different than the
8 evaluation system and tools prescribed pursuant to subsection 1. The
9 application must be in the form prescribed by the State Board and
10 must include, without limitation, a description of the evaluation
11 system and tools proposed to be used by the school district. The
12 State Board may approve the use of the proposed evaluation system
13 and tools if it determines that the proposed evaluation system and
14 tools apply standards and indicators that are equivalent to those
15 prescribed by the State Board.

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

23 **(a) Be based on any applicable national standards;**

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

26 **(c) Provide for the inclusion and exclusion of educational**
27 **personnel in determining the pupil-teacher ratio existing for any**
28 **grade in the same manner as provided by subsection 1 of**
29 **NRS 388.700.**

30 **Sec. 3.** This act becomes effective upon passage and approval
31 for the purpose of adopting regulations and performing any other
32 administrative tasks that are necessary to carry out the provisions of
33 this act and on January 1, 2018, for all other purposes.

