

(Reprinted with amendments adopted on May 23, 2019)
SECOND REPRINT S.B. 475

SENATE BILL NO. 475—COMMITTEE ON EDUCATION

MARCH 25, 2019

Referred to Committee on Education

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

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

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

~

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

AN ACT relating to education; requiring the development of an electronic tool for providing documents concerning evaluations of educational employees to the employees; requiring certain licensed educational personnel to be evaluated pursuant to the statewide performance evaluation system; reducing the percentage of the evaluation of a teacher or certain administrators comprised by pupil performance; requiring the evaluator of an educational employee to consider certain factors relating to the ratios of pupils per licensed teacher; removing certain sanctions for a teacher or administrator whose performance is designated as developing; requiring a study of the impact and validity of the statewide performance evaluation system; requiring the Department of Education, in collaboration with the Teachers and Leaders Council, to make certain recommendations concerning the statewide performance evaluation system; 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 for evaluating the performance of educational
3 employees. (NRS 391.465) **Section 1** of this bill requires the Department of



4 Education to develop an electronic tool for providing documents concerning such
5 evaluations to educational employees. **Section 2** of this bill makes a conforming
6 change.

7 Existing law prescribes separate requirements concerning the evaluation of
8 teachers and administrators, including: (1) administrators who provide primarily
9 administrative services at the school level; and (2) administrators at the district
10 level who provide direct supervision of the principal of a school. (NRS 391.680-
11 391.720) Existing law additionally authorizes the State Board to provide for
12 evaluations of counselors, librarians and other licensed educational personnel,
13 except for teachers and administrators. (NRS 391.675) **Section 6** of this bill instead
14 requires such other licensed educational personnel to be evaluated annually in a
15 similar manner to teachers. **Sections 3, 5 and 7** of this bill make conforming
16 changes.

17 Existing law requires pupil growth to account for 40 percent of the evaluation
18 of a teacher or administrator who provides direct instructional services to pupils at a
19 school. (NRS 391.465, 391.480) **Section 4** of this bill instead requires pupil growth
20 to account for 15 percent of the evaluation of a teacher or such an administrator
21 beginning with the 2019-2020 school year. **Section 4** also requires an administrator
22 who performs such an evaluation to consider any effects of the ratios of pupils per
23 teacher that exceed the recommended ratios prescribed by the State Board. **Section**
24 **10** of this bill requires the Department, in collaboration with the Teachers and
25 Leaders Council, to make recommendations to the State Board concerning the
26 necessary changes to the statewide performance evaluation system to address the
27 reduced weight of pupil growth in evaluations.

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

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

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

3 *The Department shall, in consultation with the boards of*
4 *trustees of school districts and the Council, develop an electronic*
5 *tool for providing documents concerning evaluations conducted*
6 *pursuant to NRS 391.680 to 391.730, inclusive, to teachers,*
7 *administrators and other licensed educational personnel. The tool*
8 *must allow an administrator who conducts an evaluation to:*



1 **1. Immediately share documents concerning the evaluation**
2 **with the teacher, administrator or other licensed educational**
3 **employee who is the subject of the evaluation; and**

4 **2. Recommend professional development courses to improve**
5 **the performance and knowledge of the teacher, administrator or**
6 **other licensed educational employee who is the subject of the**
7 **evaluation.**

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

9 391.450 As used in NRS 391.450 to 391.485, inclusive, **and**
10 **section 1 of this act**, “Council” means the Teachers and Leaders
11 Council of Nevada created by NRS 391.455.

12 **Sec. 3.** NRS 391.460 is hereby amended to read as follows:

13 391.460 1. The Council shall:

14 (a) Make recommendations to the State Board concerning the
15 adoption of regulations for establishing a statewide performance
16 evaluation system to ensure that teachers, administrators who
17 provide primarily administrative services at the school level, ~~and~~
18 administrators at the district level who provide direct supervision of
19 the principal of a school, and who do not provide primarily direct
20 instructional services to pupils, **and other licensed educational**
21 **personnel**, regardless of whether licensed as a teacher or
22 administrator, including, without limitation, a principal and vice
23 principal are:

24 (1) Evaluated using multiple, fair, timely, rigorous and valid
25 methods, which includes evaluations based upon pupil growth as
26 required by NRS 391.465;

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

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

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

37 (c) Consider the role of professional standards for teachers,
38 ~~and~~ administrators **and other licensed educational personnel** to
39 which paragraph (a) applies and, as it determines appropriate,
40 develop a plan for recommending the adoption of such standards by
41 the State Board.

42 (d) Develop and recommend to the State Board a process for
43 peer observations of teachers by qualified educational personnel
44 which is designed to provide assistance to teachers in meeting the
45 standards of effective teaching, and includes, without limitation,



1 conducting observations, participating in conferences before and
2 after observations of the teacher and providing information and
3 resources to the teacher about strategies for effective teaching.

4 2. The performance evaluation system recommended by the
5 Council must ensure that:

6 (a) Data derived from the evaluations is used to create
7 professional development programs that enhance the effectiveness
8 of teachers, ~~and~~ administrators ~~and~~ and *other licensed educational*
9 *personnel; and*

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

13 3. The Council may establish such working groups, task forces
14 and similar entities from within or outside its membership as
15 necessary to address specific issues or otherwise to assist in its
16 work.

17 4. The State Board shall consider the recommendations made
18 by the Council pursuant to this section and shall adopt regulations
19 establishing a statewide performance evaluation system as required
20 by NRS 391.465.

21 **Sec. 4.** NRS 391.465 is hereby amended to read as follows:

22 391.465 1. The State Board shall, based upon the
23 recommendations of the Teachers and Leaders Council of Nevada
24 submitted pursuant to NRS 391.460, adopt regulations establishing a
25 statewide performance evaluation system which incorporates
26 multiple measures of an employee's performance. Except as
27 otherwise provided in subsection 3, the State Board shall prescribe
28 the tools to be used by a school district for obtaining such measures.

29 2. The statewide performance evaluation system must:

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

- 32 (1) Highly effective;
- 33 (2) Effective;
- 34 (3) Developing; or
- 35 (4) Ineffective.

36 (b) Include the criteria for making each designation identified in
37 paragraph (a) ~~and~~, *which must include, without limitation,*
38 *consideration of whether the classes for which the employee is*
39 *responsible exceed the applicable recommended ratios of pupils*
40 *per licensed teacher prescribed by the State Board pursuant to*
41 *NRS 388.890 and, if so, the degree to which the ratios affect:*

42 (1) *The ability of the employee to carry out his or her*
43 *professional responsibilities; and*

44 (2) *The instructional practices of the employee.*



1 (c) Except as otherwise provided in subsections 2 and 3 of NRS
2 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil
3 growth, as determined pursuant to NRS 391.480, account for ~~[40]~~ 15
4 percent of the evaluation ~~[]~~ *of a teacher or administrator who*
5 *provides direct instructional services to pupils at a school in a*
6 *school district.*

7 (d) Include an evaluation of whether the teacher, or
8 administrator who provides primarily administrative services at the
9 school level or administrator at the district level who provides direct
10 supervision of the principal of a school, and who does not provide
11 primarily direct instructional services to pupils, regardless of
12 whether the probationary administrator is licensed as a teacher or
13 administrator, including, without limitation, a principal and vice
14 principal ~~[]~~ *or licensed educational employee, other than a teacher*
15 *or administrator*, employs practices and strategies to involve and
16 engage the parents and families of pupils.

17 (e) Include a process for peer observations of teachers by
18 qualified educational personnel which is designed to provide
19 assistance to teachers in meeting the standards of effective teaching,
20 and includes, without limitation, conducting observations,
21 participating in conferences before and after observations of the
22 teacher and providing information and resources to the teacher about
23 strategies for effective teaching. The regulations must include the
24 criteria for school districts to determine which educational personnel
25 are qualified to conduct peer observations pursuant to the process.

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

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

40 **Sec. 4.5.** (Deleted by amendment.)

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

42 391.485 1. The State Board shall annually review the
43 statewide performance evaluation system to ensure accuracy and
44 reliability. Such a review must include, without limitation, an
45 analysis of the:



1 (a) Number and percentage of teachers , ~~and~~ administrators
2 *and other licensed educational personnel* who receive each
3 designation identified in paragraph (a) of subsection 2 of NRS
4 391.465 in each school, school district, and the State as a whole;

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

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

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

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

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

23 391.675 *1.* The State Board ~~may provide~~ *shall adopt*
24 *regulations providing* for evaluations of counselors, librarians and
25 other licensed educational personnel, except for teachers and
26 administrators, and determine the manner in which to measure the
27 performance of such personnel, including, without limitation,
28 whether to use pupil achievement data as part of the evaluation. *The*
29 *regulations adopted pursuant to this section must require:*

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

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

35 *2. The counselor, librarian or other licensed educational*
36 *employee must receive a copy of each evaluation not later than 15*
37 *days after the evaluation. A copy of the evaluation and the*
38 *response of the employee must be permanently attached to the*
39 *personnel file of the employee. Upon the request of the counselor,*
40 *librarian or other licensed educational employee, a reasonable*
41 *effort must be made to assist the employee to improve his or her*
42 *performance based upon the recommendations reported in the*
43 *evaluation of the employee.*



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

2 391.725 1. If a written evaluation of a probationary teacher,
3 ~~or~~ a probationary administrator who provides primarily
4 administrative services at the school level and who does not provide
5 primarily direct instructional services to pupils, regardless of
6 whether the probationary administrator is licensed as a teacher or
7 administrator, including, without limitation, a principal and vice
8 principal ~~or~~ *or a probationary licensed educational employee,*
9 *other than a teacher or administrator,* designates the overall
10 performance of the teacher , ~~or~~ administrator *or probationary*
11 *licensed educational employee* as ~~“developing” or~~ “ineffective”:

12 (a) The written evaluation must include the following statement:
13 “Please be advised that, pursuant to Nevada law, your contract may
14 not be renewed for the next school year. If you receive ~~“a~~
15 ~~‘developing’ or~~ *an* ‘ineffective’ evaluation and are reemployed for
16 a second or third year of your probationary period, you may request
17 that your next evaluation be conducted by another administrator.
18 You may also request, to the administrator who conducted the
19 evaluation, reasonable assistance in improving your performance
20 based upon the recommendations reported in the evaluation for
21 which you request assistance, and upon such request, a reasonable
22 effort will be made to assist you in improving your performance.”

23 (b) The probationary teacher , ~~or~~ probationary administrator ~~or~~
24 *or probationary licensed educational employee,* as applicable, must
25 acknowledge in writing that he or she has received and understands
26 the statement described in paragraph (a).

27 2. If a probationary teacher , ~~or~~ probationary administrator *or*
28 *probationary licensed educational employee, other than a teacher*
29 *or administrator,* to which subsection 1 applies requests that his or
30 her next evaluation be conducted by another administrator in
31 accordance with the notice required by subsection 1, the
32 administrator conducting the evaluation must be:

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

36 (b) Selected by the probationary teacher , ~~or~~ probationary
37 administrator ~~or~~ *or probationary licensed educational employee,*
38 *other than a teacher or administrator,* as applicable, from a list of
39 three candidates submitted by the superintendent.

40 3. If a probationary teacher , ~~or~~ probationary administrator *or*
41 *probationary licensed educational employee, other than a teacher*
42 *or administrator* to which subsection 1 applies requests assistance
43 in improving performance reported in his or her evaluation, the
44 administrator who conducted the evaluation shall ensure that a
45 reasonable effort is made to assist the probationary teacher , ~~or~~



1 probationary administrator *or probationary licensed educational*
2 *employee, as applicable*, in improving his or her performance.

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

4 391.730 Except as otherwise provided in NRS 391.825, a
5 postprobationary employee who receives an evaluation designating
6 his or her overall performance as:

7 1. ~~Developing;~~

8 ~~2.~~ Ineffective; or

9 ~~3.~~ 2. Developing during 1 year of the 2-year consecutive
10 period and ineffective during the other year of the period,

11 ~~↳~~ for 2 consecutive school years shall be deemed to be a
12 probationary employee for the purposes of NRS 391.650 to 391.830,
13 inclusive, and must serve an additional probationary period in
14 accordance with the provisions of NRS 391.820.

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

16 1. Enter into a contract with a consultant to study the impact
17 and validity of the statewide performance evaluation system
18 established pursuant to NRS 391.465, as amended by section 4 of
19 this act.

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

23 3. On or before July 1, 2020:

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

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

30 **Sec. 10.** On or before January 1, 2020, the Department of
31 Education, in collaboration with the Teachers and Leaders Council,
32 shall provide to the State Board of Education recommendations
33 concerning the manner in which to revise performance measures and
34 the weight applicable to such measures in the statewide performance
35 evaluation system established pursuant to NRS 391.465, as amended
36 by section 4 of this act, to address the reduced weight of pupil
37 growth in evaluations pursuant to the amendatory provisions of
38 section 4 of this act. The Department may solicit the input of
39 educational employees and other interested persons in developing its
40 recommendations.

41 **Sec. 11.** The provisions of NRS 354.599 do not apply to any
42 additional expenses of a local government that are related to the
43 provisions of this act.



1 **Sec. 12.** This act becomes effective on July 1, 2019.

⑩



* S B 4 7 5 R 2 *