

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R007-13

September 4, 2013

(The provisions of LCB File No. R033-13 are included in this regulation.)

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

AUTHORITY: §§1-17, NRS 385.080 and 391.465, as amended by section 10 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3158.

A REGULATION relating to educational personnel; establishing the statewide performance evaluation system for school-level administrators and teachers; and providing other matters properly relating thereto.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 17, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Performance evaluation of school-level administrator” means the evaluation of the performance of a school-level administrator in accordance with NRS 391.3127, as amended by section 5 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3153, to assign a performance evaluation rating of the school-level administrator.*

Sec. 4. *“Performance evaluation of teacher” means the evaluation of the performance of a teacher in accordance with NRS 391.3125, as amended by section 4 of Senate Bill No. 407,*

chapter 496, Statutes of Nevada 2013, at page 3150, to assign a performance evaluation rating of the teacher.

Sec. 5. “Performance evaluation rating” means the designation of the performance of a school-level administrator or teacher as “highly effective,” “effective,” “minimally effective,” or “ineffective” in accordance with the statewide performance evaluation system.

Sec. 6. “School-level administrator” means a person employed by a school district who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether such a person is licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Sec. 7. “Statewide performance evaluation system” means the system for the performance evaluations of school-level administrators and the performance evaluations of teachers required by NRS 391.465, as amended by section 10 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3158, and sections 2 to 17, inclusive, of this regulation.

Sec. 8. 1. The performance evaluation of each school-level administrator must include an evaluation of the school-level administrator in the following domains:

(a) Instructional leadership practices of the administrator at the school, as prescribed by section 9 of this regulation, which, except as otherwise provided in subsection 2, must account for 35 percent of the performance evaluation;

(b) Professional responsibilities of the administrator to support learning and promote the effectiveness of the school community, as prescribed by section 10 of this regulation, which, except as otherwise provided in subsection 2, must account for 15 percent of the performance evaluation; and

(c) Except as otherwise provided in subsection 2, the performance of pupils enrolled in the school based upon the data prescribed by the Department pursuant to section 15 of this regulation, which must account for 50 percent of the performance evaluation as follows:

(1) Thirty-five percent must be derived from measures of pupil growth;

(2) Ten percent must be derived from measures of the reduction of achievement gaps for the specific groups of pupils identified for the statewide system of accountability for public schools pursuant to section 1 of Assembly Bill No. 460, chapter 365, Statutes of Nevada 2013, at page 1893; and

(3) Five percent must be derived from measures of pupil proficiency.

2. The performance evaluation of a probationary administrator, other than a postprobationary employee who is deemed a probationary employee pursuant to NRS 391.3129, in his or her initial year of probationary employment must be based upon the domains of instructional leadership practices of the administrator at the school and professional responsibilities of the administrator to support learning and promote the effectiveness of the school community, with the percentages and weights assigned to those domains in accordance with the scoring matrix prescribed by the Department pursuant to section 17 of this regulation.

Sec. 9. *The performance evaluation of a school-level administrator in the domain of instructional leadership practices of the administrator at the school must include, without limitation, an evaluation of the school-level administrator in the following standards of performance, with each standard carrying the weight prescribed by the Department pursuant to section 17 of this regulation:*

1. The school-level administrator creates and sustains a focus on learning at the school, as demonstrated by the following indicators:

(a) Engaging stakeholders in the development of a plan for obtaining high pupil achievement and college and career readiness for pupils and periodically reviewing and revising the plan as necessary;

(b) Holding teachers and pupils accountable for learning by regularly monitoring a range of performance data;

(c) Providing adequate opportunities for teachers to reflect on their practice and take actions to improve pupil learning and support professional growth; and

(d) Systematically supporting short-term and long-term planning to facilitate pupil learning through a variety of means.

2. The school-level administrator creates and sustains a school culture of striving for continuous improvement, as demonstrated by the following indicators:

(a) Setting clear expectations for the performance of teachers and pupils and creating a system for the consistent monitoring and follow-up of growth and development;

(b) Supporting the development of teachers through quality observation, feedback, coaching and professional learning structures;

(c) Gathering and analyzing data from multiple sources to monitor and evaluate the progress of the school toward established goals for pupil performance and learning; and

(d) Operating with a belief that all children can achieve regardless of their race, perceived abilities or socioeconomic status.

3. The school-level administrator creates and sustains productive relationships, as demonstrated by the following indicators:

(a) Creating and maintaining a welcoming, respectful and caring environment that promotes the well-being of pupils, staff and the school community;

(b) Providing opportunities for extended, productive discourse between the school-level administrator and teachers and amongst teachers to inform decisions designed to meet the goals of the school, including, without limitation, structuring the school environment to enable such collaboration; and

(c) Creating and maintaining processes to communicate and partner with teachers and parents and families in a manner that supports the goals of the school.

4. The school-level administrator creates and sustains structures to support an effective school, as demonstrated by the following indicators:

(a) Implementing systems and processes to align curriculum, instruction and assessment with state standards and standards for college and career readiness and periodically reviewing and revising those systems and processes when necessary;

(b) Developing systems and processes to implement a clearly articulated curriculum across the entire school and periodically reviewing and revising those systems and processes when necessary; and

(c) Allocating resources, including the organization of time, effectively to support and further the goals of the school.

Sec. 10. *The performance evaluation of a school-level administrator in the domain of professional responsibilities of the administrator to support learning and promote the effectiveness of the school community must include, without limitation, an evaluation of the school-level administrator in the following standards of performance, with each standard carrying the weight prescribed by the Department pursuant to section 17 of this regulation:*

1. The school-level administrator effectively manages the teachers employed at the school, as demonstrated by the following indicators:

(a) Collecting high-quality observation data and other evidence of the practice of teachers in a fair and equitable manner and using the results of the performance evaluations of teachers to improve their performance;

(b) Using available data, including the performance evaluations of teachers, to identify, recognize, support and retain teachers;

(c) Supporting the development of leadership skills in teachers and providing opportunities for teachers to assume leadership roles; and

(d) Complying with the requirements of the statewide performance evaluation system.

2. The school-level administrator engages in self-reflection designed to foster professional growth, as demonstrated by the following indicators:

(a) Seeking feedback from colleagues and staff and using a variety of data and information to self-reflect and improve upon his or her practice;

(b) Seeking opportunities to increase his or her professional knowledge to remain current on educational research and evidence-based practices; and

(c) Pursuing relevant professional learning opportunities to improve his or her leadership across the school community.

3. The school-level administrator meets professional obligations, as demonstrated by the following indicators:

(a) Modeling and advocating for fair, equitable and appropriate treatment of all school employees, pupils and the parents and families of pupils;

(b) Modeling integrity and honesty in interactions with colleagues and staff, pupils, and the parents and families of pupils and the school community and respecting the confidentiality and dignity of such interactions; and

(c) Following policies, regulations and procedures applicable to his or her role and responsibilities as a school-level administrator.

4. The school-level administrator employs practices and strategies to involve and engage the parents and families of pupils and the school community, as demonstrated by the following indicators:

(a) Involving the parents and families of pupils and the school community in appropriate policy implementation, program planning and assessments;

(b) Involving the parents and families of pupils and the school community in the goals of the school and school improvement efforts; and

(c) When appropriate, informing the parents and families of pupils of available educational, health and social services and connecting the parents and families with those services in response to their needs.

Sec. 11. 1. *The performance evaluation of each teacher must include an evaluation of the teacher in the following domains:*

(a) Instructional practices of the teacher in the classroom, as prescribed by section 12 of this regulation, which, except as otherwise provided in subsection 2, must account for 35 percent of the performance evaluation;

(b) Professional responsibilities of the teacher to support learning and promote the effectiveness of the school community, as prescribed by section 13 of this regulation, which,

except as otherwise provided in subsection 2, must account for 15 percent of the performance evaluation; and

(c) Except as otherwise provided in subsection 2, the performance of pupils enrolled in the school based upon the data prescribed by the Department pursuant to section 15 of this regulation, which must account for 50 percent of the performance evaluation as follows:

(1) Thirty-five percent must be derived from measures of pupil growth;

(2) Ten percent must be derived from measures of the reduction of achievement gaps for the specific groups of pupils identified for the statewide system of accountability for public schools pursuant to section 1 of Assembly Bill No. 460, chapter 365, Statutes of Nevada 2013, at page 1893; and

(3) Five percent must be derived from measures of pupil proficiency.

2. The performance evaluation of a probationary teacher, other than a postprobationary employee who is deemed a probationary employee pursuant to NRS 391.3129, in his or her initial year of probationary employment must be based upon the domains of instructional practices of the teacher in the classroom and professional responsibilities of the teacher to support learning and promote the effectiveness of the school community, with the percentages and weights assigned to those domains in accordance with the scoring matrix prescribed by the Department pursuant to section 17 of this regulation.

Sec. 12. *The performance evaluation of a teacher in the domain of instructional practices of the teacher in the classroom must include, without limitation, an evaluation of the teacher in the following standards of performance, with each standard carrying the weight prescribed by the Department pursuant to section 17 of this regulation:*

1. The teacher connects the prior learning and experience of pupils to guide current learning, as demonstrated by the following indicators:

(a) Activating the understanding of each pupil to new concepts and skills;

(b) Making explicit connections for each pupil between new concepts and skills and previously learned concepts and skills;

(c) Making clear to each pupil the purpose and relevance of new concepts and skills; and

(d) Providing each pupil with opportunities to build on or challenge his or her initial understanding of concepts and skills.

2. The teacher assigns tasks based upon the appropriate cognitive demands for pupils with diverse abilities, as demonstrated by the following indicators:

(a) Purposefully employing the cognitive abilities and skills of each pupil;

(b) Placing appropriate demands on each pupil;

(c) Progressively developing the cognitive abilities and skills of each pupil; and

(d) Operating with a belief that all children can achieve regardless of their race, perceived abilities or socioeconomic status.

3. The teacher requires pupils to engage in learning through discourse and other strategies, as demonstrated by the following indicators:

(a) Providing opportunities for extended, productive discourse between the teacher and each pupil and among pupils;

(b) Providing opportunities for each pupil to learn and interpret new concepts in multiple different ways;

(c) Assisting each pupil to use existing knowledge and prior experience to make connections and recognize relationships among new concepts and skills; and

(d) Structuring the classroom environment to enable collaboration among pupils and participation by each pupil, and to create a positive affective learning experience for each pupil.

4. The teacher requires pupils to engage in metacognitive activity, as demonstrated by the following indicators:

(a) Imparting an understanding to pupils of the skills and concepts being presented, the reasons each skill or concept is being presented and the methods for a pupil to assess whether he or she has learned each skill or concept presented;

(b) Structuring opportunities for self-monitored learning for each pupil; and

(c) Supporting each pupil to take actions to improve his or her abilities based on the self-monitoring described in paragraph (b).

5. The teacher integrates assessment into instruction, as demonstrated by the following indicators:

(a) Planning ongoing learning opportunities for each pupil based upon his or her current learning status;

(b) Aligning assessment opportunities with each pupil's goals of learning and performance criteria;

(c) Structuring opportunities to generate evidence that each pupil is learning each skill and concept being presented; and

(d) Adapting the actions of the teacher in the classroom based on the evidence described in paragraph (c).

Sec. 13. *The performance evaluation of a teacher in the domain of professional responsibilities of the teacher to support learning and promote the effectiveness of the school*

community must include, without limitation, an evaluation of the teacher in the following standards of performance, with each standard carrying the weight prescribed by the Department pursuant to section 17 of this regulation:

1. The teacher demonstrates commitment to the school community, as demonstrated by the following indicators:

(a) Collaborating with colleagues to improve the instruction of pupils;

(b) Building a professional culture that supports the initiatives of the school and school district; and

(c) Cultivating a safe, learning-centered school culture and community that maintains high expectations for all pupils.

2. The teacher engages in self-reflection to foster professional growth, as demonstrated by the following indicators:

(a) Seeking feedback from instructional leaders and colleagues and using a variety of data and information to reflect on his or her practice;

(b) Pursuing relevant professional learning opportunities to support improved instructional practice across the school community; and

(c) Taking an active role in mentoring colleagues and pursuing leadership opportunities relevant for teachers.

3. The teacher meets professional obligations, as demonstrated by the following indicators:

(a) Modeling and advocating for fair, equitable and appropriate treatment of all pupils and the parents and families of pupils;

(b) Modeling integrity and honesty in interactions with colleagues and staff, pupils, the parents and families of pupils and the school community and respecting the confidentiality and dignity of such interactions; and

(c) Following policies, regulations and procedures applicable to his or her role and responsibilities as a teacher.

4. The teacher employs practices and strategies to involve and engage the parents and families of pupils and the school community, as demonstrated by the following indicators:

(a) Regularly facilitating two-way communication between the teacher and the parents and families of pupils and using available tools that are responsive to the language needs of the parents and families;

(b) Using the concerns and requests communicated by the parents and families of pupils when appropriate to improve the pupil's goals of learning and facilitate the progress of the pupil;

(c) Valuing, respecting and welcoming each pupil and the parents and family of each pupil and encouraging the parents and families to become active members of the school community and assist in pupil learning; and

(d) When appropriate, informing the parents and families of pupils of available educational, health and social services and connecting the parents and families with those services in response to their needs.

5. The teacher assists pupils in learning, creates a safe and supportive learning environment and demonstrates that he or she cares about pupils and their goals and interests.

The data for these indicators must be measured by the reports of the teacher's pupils.

Sec. 14. The performance evaluations of school-level administrators in the standards for the domain of instructional leadership practices and standards for the domain of professional responsibilities and the performance evaluations of teachers in the standards for the domain of instructional practices and the domain of professional responsibilities must be measured based upon the following data:

1. Observations of performance in accordance with the observation schedule prescribed by NRS 391.3125, as amended by section 4 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3150 or NRS 391.3127, as amended by section 5 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3153, as applicable.

2. Review of artifacts applicable to the performance of the school-level administrator or teacher, which may include:

(a) Documents;

(b) Photographs;

(c) Policies and procedures;

(d) Certificates and transcripts;

(e) Audio and video media;

(f) Data, reports, plans, logs, evaluations, surveys, journals, portfolios and other examples of work, newsletters and written communications; or

(g) Other tangible demonstrations of the performance of the school-level administrator or teacher, as applicable,

↳or any combination thereof.

3. Self-assessment, which may include:

(a) Guided reflection, which involves the school-level administrator or teacher, as applicable, engaging in dialogue with a supervisor or peers through facilitated and structured self-inquiry and critical analysis of the practice and experience of the school-level administrator or teacher, as applicable;

(b) Self-assessment questionnaires;

(c) Feedback from peers and pupils;

(d) Journals; or

(e) Media recordings of the school-level administrator or teacher, as applicable,

↳ or any combination thereof.

4. Setting goals to improve performance, which includes, without limitation:

(a) Developing specific and measurable annual goals for improvement;

(b) Monitoring the progress made toward each goal and assessing such progress for a specific period of time; and

(c) Creating, implementing and making adjustments to strategies for improvement based upon the progress made.

Sec. 15. The Department shall prescribe the aggregated and disaggregated data derived from statewide examinations and assessments that must be used to measure the performance of school-level administrators and teachers in the domain of the performance of pupils. The Department may differentiate between teachers who teach pupils in grades or subjects that are required to take statewide examinations and assessments and those teachers who do not teach pupils in such grades or subjects.

Sec. 16. 1. Except as otherwise provided in subsection 2, each school district shall use the evaluation tools prescribed by the Department for conducting the performance

evaluations of school-level administrators and the performance evaluations of teachers. The Department shall prescribe such evaluation tools, including, without limitation:

(a) Rubrics for specifying expectations of performance which are measured during the observations of performance required by NRS 391.3125, as amended by section 4 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3150 and NRS 391.3127, as amended by section 5 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3153, as applicable, and in the review of artifacts pursuant to subsection 2 of section 14 of this regulation;

(b) Protocols to guide and score each observation in accordance with the observation schedule required by NRS 391.3125, as amended by section 4 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3150, and NRS 391.3127, as amended by section 5 of Senate Bill No. 407, chapter 496, Statutes of Nevada 2013, at page 3153, as applicable;

(c) Protocols to guide pre-and post-observation conferences;

(d) Protocols to guide pre-and post-evaluation conferences;

(e) Instruments and techniques to assist the person being evaluated with self-assessment as described in subsection 3 of section 14 of this regulation; and

(f) Protocols to guide the person being evaluated with setting goals as described in subsection 4 of section 14 of this regulation.

2. A school district may apply to the Department for flexibility to use evaluation tools in conducting the performance evaluations of school-level administrators and the performance evaluations of teachers that are different than the evaluation tools prescribed by the Department pursuant to subsection 1. The application must be on a form prescribed by the Department and include, without limitation:

(a) The evaluation tools proposed for use by the school district, which must align with the standards and indicators for each domain prescribed by sections 8 and 11 of this regulation; and

(b) The process that will be used to incorporate into the scoring matrix prescribed by the Department pursuant to section 17 of this regulation the scores derived from the school district's measures of standards and indicators for each domain prescribed by sections 8 and 11 of this regulation.

3. A school district must obtain approval from the Department pursuant to subsection 2 before using any evaluation tools that are different from the evaluation tools prescribed by the Department pursuant to subsection 1.

Sec. 17. 1. *Based upon the recommendations of the Teachers and Leaders Council of Nevada created by NRS 391.455, the Department shall prescribe a scoring matrix to obtain a single score to assign a performance evaluation rating for each school-level administrator and teacher. In conducting performance evaluations, each school district shall use the scoring matrix prescribed by the Department.*

2. The scoring matrix prescribed pursuant to subsection 1 must include the weights that must be assigned for the standards and indicators in each of the following domains:

(a) Instructional leadership practices of the school-level administrator at the school prescribed by section 9 of this regulation;

(b) Professional responsibilities of the administrator to support learning and promote the effectiveness of the school community prescribed by section 10 of this regulation;

(c) Instructional practices of the teacher in the classroom prescribed by section 12 of this regulation; and

(d) Professional responsibilities of the teacher to support learning and promote the effectiveness of the school community prescribed by section 13 of this regulation.

3. The scoring matrix prescribed by the Department pursuant to subsection 1 must account for probationary teachers and school-level administrators in their initial year of probationary employment in which the domain of the performance of pupils is not used as part of the employee's performance evaluation or performance evaluation rating.