

**APPROVED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R138-17

Effective May 16, 2018

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

AUTHORITY: §§1 and 2, NRS 385.080 and 391.465, as amended by section 2 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2143, and section 1.1 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2139 (NRS 391.480).

A REGULATION relating to education; establishing the criteria and process that a school or school district must use when selecting an assessment for certain purposes relating to the evaluation of teachers and administrators; removing a reference to the use of statewide examinations and assessments for that purpose; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each teacher, principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district to develop learning goals for the pupils served by the teacher, principal, vice principal or other administrator. Existing law also requires each such teacher or administrator to be evaluated to determine the extent to which the learning goals of the pupils were achieved. (Section 1.1 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2139 (NRS 391.480)) **Section 1** of this regulation establishes the criteria and process that a school or school district must use when selecting an assessment to determine the extent to which the learning goals of pupils were achieved.

Prior law required that pupil achievement data derived from statewide examinations and assessments be used in the evaluation of teachers and administrators. (NRS 391.465) Assembly Bill No. 320 of the 2017 Legislative Session eliminated this requirement. (Section 2 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2143) **Section 2** of this regulation makes a conforming change to the regulations of the State Board of Education, reflecting the use of assessments selected by a school or school district.

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

1. The criteria for determining which assessments a school or school district may use to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of section 1.1 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2139 (NRS 391.480), are:

(a) The degree to which the assessment aligns with:

(1) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and

(2) Curriculum and instruction required for the standards adopted by the State Board;

(b) Whether the assessment is appropriately rigorous to determine pupil achievement in the intended subject areas; and

(c) The validity and reliability of the assessment.

2. A school or school district that uses an assessment to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of section 1.1 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2139 (NRS 391.480), shall continually monitor the use of the assessment to ensure:

(a) The reliability and validity of the assessment;

(b) That the assessment is scored accurately in a manner that produces results that allow the comparison of pupils, classes or schools; and

(c) The security of the assessment.

3. If practicable, a school or school district shall use an assessment that has previously been approved by the Department pursuant to subsection 3 of section 1.1 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2139 (NRS 391.480), to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of section

1.1 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2139 (NRS 391.480).

4. If no assessment described in subsection 3 effectively determines the extent to which the learning goals of pupils were achieved:

(a) If practicable, a school or school district shall use a modified version of an assessment described in subsection 3 to determine the extent to which the learning goals of pupils were achieved; and

(b) If it is not practicable to use an assessment described in paragraph (a) to determine the extent to which the learning goals of pupils were achieved, a school or school district shall develop a new assessment to determine the extent to which the learning goals of pupils were achieved. Such an assessment must be:

(1) Reviewed by experts to determine the validity of the assessment; and

(2) Scored using a documented protocol that produces high reliability.

5. As used in this section:

(a) “Reliability” means the degree to which the results of the assessment are reproducible in similar circumstances; and

(b) “Validity” means the degree to which an assessment measures pupil achievement in the intended subject area.

Sec. 2. NAC 391.578 is hereby amended to read as follows:

391.578 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.]~~