

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

LCB File No. R037-18

September 18, 2018

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

AUTHORITY: §§1 and 5, NRS 385.080 and 391.465; §§2-4, NRS 385.080 and 391.465 and section 1.1 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2139 (NRS 391.480); §§6 and 7, NRS 385.080, 391.460 and 391.465.

A REGULATION relating to education; revising certain terminology to conform to existing law; revising provisions relating to pupil growth as a component of the statewide performance evaluation system for employees; repealing a provision relating to pupil achievement data; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the statewide performance evaluation system for measuring the performance of employees of school districts. Prior law provided that an employee’s overall performance must be determined to be highly effective, effective, minimally effective or ineffective. (NRS 391.465) Assembly Bill No. 320 (A.B. 320) of the 2017 Legislative session replaced the “minimally effective” rating with a “developing” rating. (Section 2 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2143) **Sections 1 and 4** of this regulation make conforming changes to the regulations of the State Board of Education.

Prior law required that pupil achievement data derived from statewide examination and assessments be used in the evaluation of teachers and administrators. (NRS 391.465) A.B. 320 repealed this requirement. (Section 2 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2143) **Section 7** of this regulation repeals a related provision requiring the Department of Education to prescribe certain data derived from the assessments. (NAC 391.578) **Sections 2-4** of this regulation make conforming changes to the regulations of the State Board, reflecting the use of assessments pursuant to a list established by the Department or selected by a school or school district.

Prior law required the Teachers and Leaders Council of Nevada to develop and recommend to the State Board a process for peer evaluations of teachers by qualified education personnel which is designed to provide assistance to teachers in meeting the standards of

effective teaching. (NRS 391.460) A.B. 320 revised the terminology concerning this process to refer to “peer observations” instead of “peer evaluations.” (Section 1.5 of Assembly Bill No. 320, chapter 343, Statutes of Nevada 2017, at page 2142) **Sections 5 and 6** of this regulation make conforming changes to the regulations of the State Board.

Section 1. NAC 391.568 is hereby amended to read as follows:

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

Sec. 2. NAC 391.571 is hereby amended to read as follows:

391.571 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 NAC 391.572, which, except as otherwise provided in subsection 2, must account for 45 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 NAC 391.573, 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~~ *extent to which the learning goals* of pupils enrolled in the school *were achieved* based upon the ~~data prescribed by the Department pursuant to NAC 391.578,~~ *assessments selected pursuant to section 1 of LCB File No. R138-17*, which must account for 40 percent of the performance evaluation. ~~as follows:~~

~~—— (1) Twenty percent must be derived from measures of pupil performance based upon the results of pupils on the statewide examinations and assessments designated by the State Board; and~~

~~—— (2) Twenty percent must be derived from measures of pupil performance based upon the progress of pupils toward annual learning goals.}~~

2. The performance evaluation of a probationary administrator, other than a postprobationary employee who is deemed a probationary employee pursuant to NRS 391.730, 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 as prescribed by NAC 391.572 and professional responsibilities of the administrator to support learning and promote the effectiveness of the school community as prescribed by NAC 391.573, with the percentages and weights assigned to those domains in accordance with the scoring matrix prescribed by the Department pursuant to NAC 391.580.

Sec. 3. NAC 391.574 is hereby amended to read as follows:

391.574 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 NAC 391.575, which, except as otherwise provided in subsection 2, must account for 45 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 NAC 391.576, 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}~~ *extent to which the learning goals* of pupils enrolled in the school *were achieved* based upon the ~~{data prescribed by the Department pursuant to NAC 391.578,}~~ *assessments selected pursuant to section 1 of LCB File No. R138-17*, which must account for 40 percent of the performance evaluation . ~~{as follows:~~

~~——(1) Twenty percent must be derived from measures of pupil performance based upon the results of the statewide examinations and assessments designated by the State Board; and~~

~~——(2) Twenty percent must be derived from measures of pupil performance based upon the progress of pupils toward annual learning goals.}~~

2. The performance evaluation of a probationary teacher, other than a postprobationary employee who is deemed a probationary employee pursuant to NRS ~~{391.3129,}~~ *391.730*, in his or her initial year of probationary employment must be based upon the domains of instructional practices of the teacher in the classroom as prescribed by NAC 391.575 and professional responsibilities of the teacher to support learning and promote the effectiveness of the school community as prescribed by NAC 391.576, with the percentages and weights assigned to those domains in accordance with the scoring matrix prescribed by the Department pursuant to NAC 391.580.

Sec. 4. Section 2 of LCB File No. R021-16 is hereby amended to read as follows:

1. Each school year, the board of trustees of each school district shall submit to the Department data regarding school-level administrators and teachers employed by the district in

the form and manner prescribed by the Department. The data submitted pursuant to this section must include, without limitation:

(a) The number of school-level administrators who received a performance evaluation rating as ineffective, ~~minimally effective,~~ *developing*, effective or highly effective pursuant to NRS 391.705 or 391.710, as applicable, and the number of teachers who received a performance evaluation rating as ineffective, ~~minimally effective,~~ *developing*, effective or highly effective pursuant to NRS 391.685 or 391.690, as applicable;

(b) ~~An aggregate of all the scores~~ *Scores* received by school-level administrators and teachers for each standard pursuant to NAC 391.572, 391.573, 391.575 and 391.576, as applicable, in accordance with the scoring matrix prescribed by the Department pursuant to NAC 391.580; ~~and~~

(c) *For each school-level administrator or teacher, the extent to which the learning goals of pupils enrolled in the school were achieved pursuant to NAC 391.571 and 391.574, as applicable; and*

(d) For each school-level administrator or teacher in his or her first year of employment with the school district, the name of the provider approved by the ~~State Board or~~ Commission to offer a course of study or training, including, without limitation, a qualified provider approved by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019 to offer an alternative route to licensure, from which the administrator or teacher received training or completed a course of study to qualify him or her as an administrator or teacher, as applicable.

2. Each school district shall report the information required by paragraphs (a) , ~~and~~ (b) *and* (c) of subsection 1 without disclosing the identity of an individual licensee, any information from which the identity of an individual licensee could be determined or otherwise violating the confidentiality of the licensee.

Sec. 5. Section 3 of LCB File No. R021-16 is hereby amended to read as follows:

1. The board of trustees of a school district may adopt a policy to allow peer ~~evaluations~~ *observations* of teachers in the district to be conducted to assist teachers in meeting the standards of effective teaching.

2. A policy adopted pursuant to subsection 1 must provide for:

(a) Regular monitoring of the peer ~~evaluators;~~ *observers;* and

(b) Annual calibration exercises as described in subsection 4 of section 4 of LCB File No. R021-16.

3. If a policy is adopted pursuant to subsection 1, a peer ~~evaluator~~ *observer* may:

(a) ~~Collect~~ *Document* evidence necessary to evaluate the instructional practice of a teacher in the classroom and to provide assistance to teachers in meeting the standards of effective teaching; and

(b) Conduct at least one of the scheduled ~~observations~~ *observation cycles* required pursuant to NRS 391.685 or 391.690.

Sec. 6. Section 4 of LCB File No. R021-16 is hereby amended to read as follows:

1. Before a person may be selected to be a peer ~~evaluator;~~ *observer*, the person must receive training that includes, without limitation, instruction concerning:

(a) The protocols and procedures associated with the statewide performance evaluation system, including, without limitation:

(1) The evaluation tools prescribed by the Department for conducting performance evaluations of teachers, including, without limitation, rubrics for specifying expectations of performance that are measured during the observations of performance required by NRS 391.685 and 391.690;

(2) Best practices for conducting observations in a manner that avoids personal bias; and

(3) Best practices for guiding pre-observation and post-observation conferences, including, without limitation, best practices for leading discussions with teachers who have been observed during a peer ~~evaluation~~ *observation* in a manner that:

(I) Engages the teacher in a collaborative discussion regarding his or her practices; and

(II) Provides appropriate, quality feedback regarding teaching practices that will assist the teacher to improve his or her practices;

(b) Writing ~~evaluations~~ *observations* in narrative form;

(c) Confidentiality and data security;

(d) Best practices for collecting data;

(e) Standards of content and performance adopted by the State Board pursuant to NRS 389.520; and

(f) The curriculum adopted by the school district in which the teacher is employed.

2. In addition to the training required pursuant to subsection 1, to qualify to be selected as a peer ~~evaluator~~ *observer*, a person must have at least 3 years of experience teaching and be certified by the school district pursuant to subsection 3.

3. A school district must certify a person as qualified to be a peer ~~evaluator~~ *observer* if the school district determines that the person:

(a) Has successfully completed the training described in subsection 1;

(b) Knows and understands the standards of content and performance adopted by the State Board pursuant to NRS 389.520;

(c) Knows and understands the curriculum adopted by the school district;

(d) Has received an evaluation designating his or her overall performance as highly effective;

and

(e) Demonstrates that he or she possesses knowledge and expertise regarding pedagogy.

4. A person selected to be a peer ~~evaluator~~ *observer* pursuant to this section must participate annually in an in-person calibration exercise, in which the person must conduct a peer ~~evaluation~~ *observation* at the same time as another peer ~~evaluator~~ *observer* who has demonstrated competency in conducting peer ~~evaluations~~ *observations* of teachers.

Sec. 7. NAC 391.578 is hereby repealed.

TEXT OF REPEALED SECTION

391.578 Department to prescribe data used to measure performance of school-level administrators and teachers in domain of performance of pupils; authority to differentiate between teachers. (NRS 385.080, 391.465)

The Department shall prescribe the aggregated and disaggregated data derived from assessments that must be used to measure the performance of school-level administrators and teachers in the domain of the performance of pupils.