

Chapter 391 of NAC

**ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. T009-13

(Filed with the Secretary of State on April 11, 2013)

REGULATIONS FOR ESTABLISHMENT OF A STATEWIDE PERFORMANCE
EVALUATION AND SUPPORT SYSTEM FOR TEACHERS AND SCHOOL-LEVEL
ADMINISTRATORS EMPLOYED BY SCHOOL DISTRICTS

PROVISIONS GOVERNING STATEWIDE PERFORMANCE EVALUATION AND
SUPPORT SYSTEM FOR TEACHERS AND SCHOOL-LEVEL ADMINISTRATORS
EMPLOYED BY SCHOOL DISTRICTS

Statutory Basis, Legislative Provisions, and Definitions

391.XXX *Statement of Statutory Basis and Legislative Provisions.*

1. *These regulations are promulgated pursuant to NRS sections 391.460 and 391.465. NRS 391.465 requires the State Board, based upon recommendations of the Teachers and Leaders Council of Nevada, to adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.*
2. *Pursuant to NRS 391.465, the statewide performance evaluation system must provide for an employee's overall performance to be determined to be highly effective, effective, minimally effective, or ineffective; establish criteria for making these designations; require that pupil achievement data account for at least fifty percent (50%) of the evaluation; and include an evaluation of whether the teacher or school-level administrator employs practices and strategies to engage the parents and families of pupils.*
3. *Pursuant to NRS 391.460, the statewide performance evaluation system must ensure that teachers and school-level administrators employed by school districts are:*

- (a) *Evaluated using multiple, fair, timely, rigorous and valid methods, which include evaluations based upon pupil achievement data;*
- (b) *Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and*
- (c) *Provided with the means to share effective educational methods with other teachers and school-level administrators throughout this State.*

391.XXX **Definitions.**

1. *"Artifact" means documents, photographs, policies, procedures, certificates, transcripts, data, audio/video media, products, reports, plans, logs, evaluations, surveys, journals, portfolios, examples of work, newsletters, written communications, and other tangible demonstrations of performance.*
2. *"Category" means general areas of teacher or school-level administrator impact. For example, in the Teacher Evaluation Model the two categories are Educational Practice and Pupil Performance.*
3. *"Council" means the Teachers and Leaders Council of Nevada created by NRS 391.455.*
4. *"Department" means the Nevada Department of Education.*
5. *"Domain" means the primary area of focus for evaluation. For example, in the Teacher Evaluation Model, the three domains are Instructional Practices, Professional Responsibilities, and Pupil Outcomes.*
6. *"Educator" means a teacher or a school-level administrator as defined herein.*
7. *"Goal setting" means a process for improving performance. Goal setting involves analysis of where pupils, teachers, or school-level administrators are in relation to what is expected of them; setting specific, measurable goals; creating and implementing improvement strategies; monitoring progress; making adjustments to improvement strategies; and assessing progress for a specific period of time. The goal setting process constitutes a data source for evaluating school-level administrator and teacher performance in the education practice category.*

8. *"Guided reflection" means engaging in dialogue with a supervisor or peer through facilitated and structured self-inquiry and critical analysis of practice and experience.*
9. *"Indicator" means a specific activity or process demonstrated by the teacher or school-level administrator being evaluated that provides evidence of the standard being measured.*
10. *"Inter-rater Reliability" means the degree to which an assessment yields the same result when administered by different evaluators on the same teacher or school-level administrator at the same time.*
11. *"Nevada Educator Performance Framework" means the system of evaluation and support for teachers and school-level administrators, to include the collection and use of data for rating educator effectiveness and for guiding decision making on professional growth opportunities to increase educator capacity to elevate pupil performance.*
12. *"Other Instructional Personnel" means a licensed employee the majority of whose working time is devoted to providing supports that enable students to access the general education curriculum, and who may not provide direct instructional supports to students for the majority of their working time, to include counselors, librarians, speech language pathologists, teachers on special assignment, and others who meet the criteria established herein.*
13. *"Performance Evaluation Rating" means a determination of an employee's overall performance as highly effective, effective, minimally effective, or ineffective.*
14. *"Rubric" means a document that specifies the expectations for performance by listing the criteria and describing levels of quality associated with each performance level.*
15. *"School District" or "District" means a school district created pursuant to NRS 386.010.*
16. *"School-Level Administrator" means a school-level administrator who evaluates teachers and administers, directs, or supervises the education instructional program of the school, or a portion thereof, in any school in the state. This term does not include persons employed as district-level administrators unless such persons are also employed as school-level administrators.*
17. *"School-Level Administrator Evaluation Model" means the complete evaluation system that all school districts shall use to evaluate school-*

level administrators employed by them. The complete School-Level Administrator Evaluation Model is comprised of the following components set forth in these regulations:

- (a) The definition of school-level administrator effectiveness in section 391 XXX;*
- (b) The school-level administrator instructional leadership standards and indicators in section 391 XXX;*
- (c) The school-level administrator professional responsibilities standards and indicators in section 391.XXX;*
- (d) The measures of pupil outcomes set forth in section 391.xXX;*
- (e) The weighting of evidence in the instructional leadership, professional responsibilities, and pupil outcomes domains in section 391.XXX;*
- (f) The methods for evaluating school-level administrator effectiveness in 391.XXX; and*
- (g) The aggregation of evidence of performance that is used to assign a school-level administrator to one of four performance evaluation ratings in section 391.xXX.*

- 18. "Standard" means statements of what teachers and school-level administrators are expected to do.*
- 19. "Teacher" means a licensed employee the majority of whose working time is devoted to providing direct instructional services to pupils of a school district. The term includes teachers of students in tested grades and subjects and teachers of students in non-tested grades and subjects. The term does not include other instructional personnel.*
- 20. "Teacher of Students in Tested Grades and Subjects" means a licensed employee the majority of whose working time is devoted to providing direct instructional services to pupils of a school district and who teaches in grades and in subjects that are assessed through the Nevada Proficiency Examination Program prescribed in NRS Chapter 385.*
- 21. "Teacher of Students in Non-Tested Grades and Subjects" means a licensed employee the majority of whose working time is devoted to providing direct instructional services to pupils of a school district and who teaches in grades and in subjects that are not assessed through the Nevada Proficiency Examination Program prescribed in NRS Chapter 385.*
- 22. "Teacher Evaluation Model" means the complete evaluation system that all school districts shall use to evaluate teachers employed by them. The complete Teacher Evaluation Model is comprised of the following components set forth in these regulations:*

- (a) *The definition of teacher effectiveness in section 391 XXX;*
- (b) *The teacher instructional practice standards and indicators in section 391.xXX;*
- (c) *The teacher professional responsibilities standards and indicators in section 391.XXX;*
- (d) *The measures of pupil outcomes in section 391.xXX;*
- (e) *The weighting of evidence in the instructional practice, professional responsibilities, and pupil outcomes domains in section 391.xXX;*
- (f) *The methods for evaluating teacher effectiveness in 391.xXX; and*
- (g) *The aggregation of evidence of performance that is used to assign a teacher to one of four performance evaluation ratings in section 391.xXX.*

23. *"Validation Period" means the time during which the Department will collaborate with school districts and other stakeholders to develop, validate, and improve the statewide performance evaluation system prior to implementation. The Department will engage in ongoing validation work beyond the initial validation period through monitoring of school district implementation.*

School-Level Administrator Evaluation Model

391.XXX *Definition of School-Level Administrator Effectiveness.*

Effective school-level administrators in the state of Nevada create and sustain a focus on learning, a culture of continuous improvement, productive relationships, and structures to support effective schools. Effective school-level administrators also effectively manage human capital, engage in self-reflection and personal growth, model the fulfillment of professional obligations, and engage families and communities in supporting effective schools.

391.XXX *Categories and Domains in School-Level Administrator Evaluation Model.*

1. *All school districts shall base their evaluations of each school-level administrator on the school-level administrator's performance in two categories:*
 - (a) *Educational practice, and*
 - (b) *Pupil performance.*
2. *Two domains of performance shall be measured within the educational practice category:*

- (a) *Instructional leadership, and*
- (b) *Professional responsibilities.*

3. *One domain of performance shall be measured within the pupil performance category:*

- (a) *Pupil outcomes.*

391.XXX *School-Level Administrator Standards and Indicators and Measures of Pupil Performance.*

- 1. *Standards and indicators that describe the knowledge and skills required of an effective school-level administrator shall be used to evaluate school-level administrators in the instructional leadership and professional responsibilities domains.*
- 2. *Measures of pupil performance shall be used to evaluate school-level administrators in the pupil outcomes domain.*

391.XXX *Standards and Indicators to Evaluate the Instructional Leadership of School-Level Administrators.*

The following standards and indicators shall be used to evaluate school-level administrators in the instructional leadership domain:

- 1. *Standard 1: Creating and sustaining a focus on learning. This standard shall be measured by the school-level administrator's performance on the following indicators:*
 - (a) *The school-level administrator engages stakeholders in the development of a vision for high pupil achievement and college and career readiness, continually reviewing and adapting the vision when appropriate;*
 - (b) *The school-level administrator holds teachers and students accountable for learning through regular monitoring of a range of performance data;*
 - (c) *The school-level administrator structures opportunities to engage teachers in reflecting on their practice and taking improvement actions to benefit pupil learning and support professional growth; and*
 - (d) *The school-level administrator systematically supports teachers' short-term and long-term planning for pupil learning through a variety of means.*

2. *Standard 2: Creating and sustaining a culture of continuous improvement. This standard shall be measured by the school-level administrator's performance on the following indicators:*
 - (a) *The school-level administrator sets clear expectations for teacher and pupil performance and creates a system for consistent monitoring and follow-up on growth and development;*
 - (b) *The school-level administrator supports teacher development through quality observation, feedback, coaching, and professional learning structures; and*
 - (c) *The school-level administrator gathers and analyzes multiple sources of data to monitor and evaluate progress of school learning goals to drive continuous improvement.*

3. *Standard 3: Creating and sustaining productive relationships. This standard shall be measured by the school-level administrator's performance on the following indicators:*
 - (a) *The school-level administrator demonstrates a welcoming, respectful, and caring environment and an interest in adults' and students' well-being to create a positive affective experience for all members of the school community;*
 - (b) *The school-level administrator provides opportunities for extended, productive discourse between the school-level administrator and teachers, and among teachers to support decision-making processes;*
 - (c) *The school-level administrator structures the school environment to enable collaboration between school-level administrators and teachers and among teachers to further school goals; and*
 - (d) *The school-level administrator has structures and processes in place to communicate and partner with teachers and parents in support of the school's learning goals.*

4. *Standard 4: Creating and sustaining structures. This standard shall be measured by the school-level administrator's performance on the following indicators:*
 - (a) *The school-level administrator implements systems and processes to align curriculum, instruction, and assessment to state standards and college-readiness standards, continually reviewing and adapting when appropriate;*
 - (b) *The school-level administrator develops systems and processes to implement a coherent and clearly articulated curriculum across the entire school, continually reviewing and adapting when appropriate; and*

- (c) *The school-level administrator allocates resources effectively, including organizing time, to support learning goals.*

391.XXX *Standards and Indicators to Evaluate the Professional Responsibilities of School-Level Administrators.*

The following standards and indicators shall be used to evaluate school-level administrators in the professional responsibilities domain:

1. *Standard 1: Manages human capital. This standard shall be measured by the school-level administrator's performance on the following indicators:*
 - (a) *The school-level administrator collects high quality observation data and evidence of teacher practice in a fair and equitable manner and utilizes the results of evaluations to provide supports to improve performance;*
 - (b) *The school-level administrator uses available data, including teacher effectiveness data, to identify, recognize, support, and retain teachers;*
 - (c) *The school-level administrator supports the development of teacher leaders and provides leadership opportunities; and*
 - (d) *The school-level administrator complies with the requirements and expectations of the Nevada Teacher Evaluation Framework.*

2. *Standard 2: Self-Reflection and Professional Growth. This standard shall be measured by the school-level administrator's performance on the following indicators:*
 - (a) *The school-level administrator seeks out feedback from colleagues and staff and uses a variety of data to self-reflect and improve upon his or her practice;*
 - (b) *The school-level administrator seeks opportunities to increase their professional knowledge in an effort to remain current on educational research and evidence-based practices; and*
 - (c) *The school-level administrator pursues aligned professional learning opportunities to improve his/her leadership across the school community.*

3. *Standard 3: Professional obligations. This standard shall be measured by the school-level administrator's performance on the following indicators:*
 - (a) *The school-level administrator models and advocates for fair, equitable and appropriate treatment of all personnel, pupils and families;*

- (b) *The school-level administrator models integrity in all interactions with colleagues, staff, pupils, families, and the community;*
- (c) *The school-level administrator respects the rights of others with regard to confidentiality and dignity, and engages in honest interactions; and*
- (d) *The school-level administrator follows policies, regulations, and procedures specific to role and responsibilities.*

4. *Standard 4: Family and community engagement. This standard shall be measured by the school-level administrator's performance on following indicators:*

- (a) *The school-level administrator involves families and the community in appropriate policy implementation, program planning, and assessment;*
- (b) *The school-level administrator involves families and community members in the realization of vision and in related school improvement efforts; and*
- (c) *The school-level administrator connects pupils and families to community health, human, and social services as appropriate.*

391.XXX *Measures of Pupil Performance to Evaluate School-Level Administrators.*

The following measures of pupil performance shall be used to evaluate school-level administrators in the pupil outcomes domain:

- 1. *Pupil growth;*
- 2. *Reduction of gaps in proficiency for pupil subpopulations; and*
- 3. *Pupil proficiency.*

391.XXX *Weighting Among Measures of School-Level Administrator Performance.*

- 1. *Measures of standards and indicators for instructional leadership shall determine thirty-five percent (35%) of a school-level administrator's overall performance evaluation rating. The weight among measures of the four standards for instructional leadership shall be equally distributed.*
- 2. *Measures of standards and indicators for professional responsibilities shall determine fifteen percent (15%) of a school-level administrator's overall performance evaluation rating. The weight among measures of the five standards for professional responsibilities shall be equally distributed.*

3. *Measures of pupil outcomes shall determine fifty percent (50%) of a school-level administrator's overall performance evaluation rating. The weight among measures of pupil outcomes shall be distributed as follows:*
 - (a) *Thirty-five percent (35%) of the overall performance rating shall be derived from measures of pupil growth;*
 - (b) *Ten percent (10%) of the overall performance rating shall be derived from measures of the reduction of achievement gaps for pupil subpopulations; and*
 - (c) *Five percent (5%) of the overall performance rating shall be derived from measures of pupil proficiency.*

391.XXX *Performance Evaluation Ratings and Improvement Planning for School-Level Administrators.*

1. *Each school district shall designate the overall performance of a school-level administrator as:*
 - (a) *Highly effective;*
 - (b) *Effective;*
 - (c) *Minimally effective; or*
 - (d) *Ineffective.*
2. *Based on the school-level administrator's evaluation data and performance evaluation rating, each school district shall include in the evaluation of a school-level administrator a description of the supports that will be provided to assist the school-level administrator in improving instructional leadership or professional responsibilities, or both.*

Teacher Evaluation System Framework

391.XXX *Definition of Teacher Effectiveness.*

Effective teachers in the state of Nevada connect new learning to pupils' prior learning and experience, assign tasks that have high cognitive demand for diverse learners; engage pupils in meaning-making through discourse and other strategies, engage pupils in metacognitive activity to increase understanding of and responsibility for their own learning, and integrate assessment into instruction. Effective teachers also demonstrate a commitment to the school community, engage in self-reflection and professional growth, model fulfillment of professional obligations, engage families in supporting effective schools, make clear to pupils that they want to help pupils learn, create safe and supportive learning environments, and demonstrate to pupils that they care about them as individuals.

391.XXX Categories and Domains in Teacher Evaluation Model.

- 1. All school districts shall base their evaluations of each teacher on the teacher's performance in two categories:
 - (a) Educational practice, and**
 - (b) Pupil performance.****
- 2. The following two domains of performance shall be measured within the educational practice category:
 - (a) Instructional practice, and**
 - (b) Professional responsibilities.****
- 3. One domain of performance shall be measured within the pupil performance category:
 - (a) Pupil outcomes.****

391.XXX Teacher Standards and Indicators and Measures of Pupil Performance.

- 1. Standards and indicators that describe the knowledge and skills required of an effective teacher and will be used to evaluate teachers in the instructional practice and professional responsibility domains.**
- 2. Measures of pupil performance shall be used to evaluate teachers in pupil outcomes domain.**

391.XXX Standards and Indicators to Evaluate the Instructional Practice of Teachers.

The following standards and indicators shall be used to evaluate teachers within the domain of instructional practice:

- 1. Standard 1: New learning is connected to prior learning and experience. This standard shall be measured by the teacher's performance on the following indicators:
 - (a) The teacher activates all pupils' initial understandings of new concepts and skills;**
 - (b) The teacher makes connections explicit between previous learning and new concepts and skills for all pupils;**
 - (c) The teacher makes clear the purpose and relevance of new learning for all pupils; and**
 - (d) The teacher provides all pupils opportunities to build on or challenge initial understandings.****

2. *Standard 2: Learning tasks have high cognitive demand for diverse learners. This standard shall be measured by the teacher's performance on the following indicators:*
 - (a) *The teacher assigns tasks that purposefully employ all pupils' cognitive abilities and skills;*
 - (b) *The teacher assigns tasks that place appropriate demands on each pupil; and*
 - (c) *The teacher assigns tasks that progressively develop all pupils' cognitive abilities and skills.*
3. *Standard 3: Pupils engage in meaning-making through discourse and other strategies. This standard shall be measured by the teacher's performance on the following indicators:*
 - (a) *The teacher provides opportunities for extended, productive discourse between the teacher and pupil(s) and among pupils;*
 - (b) *The teacher provides opportunities for all pupils to create and interpret multiple representations;*
 - (c) *The teacher assists all pupils to use existing knowledge and prior experience to make connections and recognize relationships; and*
 - (d) *The teacher structures the classroom environment to enable collaboration, participation, and a positive affective experience for all pupils.*
4. *Standard 4: Pupils engage in metacognitive activity to increase understanding of and responsibility for their own learning. This standard shall be measured by the following indicators:*
 - (a) *The teacher and all pupils understand what pupils are learning, why they are learning it, and, how they will know if they have learned it;*
 - (b) *The teacher structures opportunities for self-monitored learning for all pupils; and*
 - (c) *The teacher supports all pupils to take actions based on the pupils' own self-monitoring processes.*
5. *Standard 5: Assessment is integrated into instruction. This standard shall be measured by the teacher's performance on the following indicators:*
 - (a) *The teacher plans on-going learning opportunities based on evidence of all pupils' current learning status;*
 - (b) *The teacher aligns assessment opportunities with learning goals and performance criteria;*

- (c) *The teacher structures opportunities to generate evidence of learning during the lesson of all pupils; and*
- (d) *The teacher adapts actions based on evidence generated in the lesson for all pupils.*

391.XXX *Standards and Indicators to Evaluate the Professional Responsibilities of Teachers.*

The following standards and indicators shall be used to evaluate teachers in the professional responsibilities domain:

1. *Standard 1: Commitment to the school community. This standard shall be measured by the teacher's performance on the following indicators:*
 - (a) *The teacher takes an active role on the instructional team and collaborates with colleagues to improve instruction for all pupils;*
 - (b) *The teacher takes an active role in building a professional culture that supports school and district initiatives; and*
 - (c) *The teacher takes an active role in cultivating a safe, learning-centered school culture and community that maintains high expectations for all pupils.*
2. *Standard 2: Self-reflection and professional growth. This standard shall be measured by the teacher's performance on the following indicators:*
 - (a) *The teacher seeks out feedback from instructional leaders and colleagues and uses a variety of data to self-reflect on his or her practice;*
 - (b) *The teacher pursues aligned professional learning opportunities to support improved instructional practice across the school community; and*
 - (c) *The teacher takes an active role in mentoring colleagues and pursues teacher leadership opportunities.*
3. *Standard 3: Professional obligations. This standard shall be measured by the teacher's performance on the following indicators:*
 - (a) *The teacher models and advocates for fair, equitable, and appropriate treatment of all pupils and families;*
 - (b) *The teacher models integrity in all interactions with colleagues, pupils, families, and the community; and*
 - (c) *The teacher follows policies, regulations, and procedures specific to role and responsibilities.*
4. *Standard 4: Family engagement. This standard shall be measured by the teacher's performance on the following indicators:*

- (a) *The teacher regularly facilitates two-way communication with parents and guardians, using available tools that are responsive to their language needs and include parent/guardian requests and insights, about the goals of instruction and pupil progress;*
- (b) *The teacher values, respects, welcomes, and encourages pupils and families, of all diverse cultural backgrounds, to become active members of the school and views them as valuable assets to pupil learning; and*
- (c) *The teacher informs and connects families and pupils to opportunities and services according to pupil needs.*

5. *Standard 5: Pupil perception. This standard shall be measured by pupil reports on the teacher's performance for the following indicators:*

- (a) *The pupils report that the teacher helps them learn;*
- (b) *The pupils report that the teacher creates a safe and supportive learning environment; and*
- (c) *The pupils report that the teacher cares about them as individuals and their goals or interests.*

391.XXX *Measures of Pupil Performance to Evaluate Teachers.*

The following measures of pupil performance shall be used for evaluation of teachers within the domain of pupil outcomes:

- 1. *Pupil growth;*
- 2. *Reduction of gaps in proficiency for pupil subpopulations; and*
- 3. *Pupil proficiency.*

391.XXX *Weighting Among Measures of Teacher Performance.*

- 1. *Measures of standards and indicators for instructional practice shall determine thirty-five percent of a teacher's overall performance evaluation rating. The weight among measures of the five standards for instructional practice shall be equally distributed.*
- 2. *Measures of standards and indicators for professional responsibility shall determine fifteen percent of a teacher's overall performance evaluation rating. The weight among measures of the five standards for professional responsibility shall be equally distributed.*

3. *Measures of pupil outcomes shall determine fifty percent of a teacher's overall performance evaluation rating. The weight among measures of pupil outcomes shall be distributed as follows:*
 - (a) *Thirty-five percent (35%) of the overall performance rating shall be derived from measures of pupil growth;*
 - (b) *Ten percent (10%) of the overall performance rating shall be derived from measures of the reduction of achievement gaps for pupil subpopulations; and*
 - (c) *Five percent (5%) of the overall performance rating shall be derived from measures of pupil proficiency.*

391.XXX *Performance Evaluation Ratings and Improvement Planning for Teachers.*

1. *Each school district shall designate the overall performance of a teacher as:*
 - (a) *Highly effective;*
 - (b) *Effective;*
 - (c) *Minimally effective; or*
 - (d) *Ineffective.*
2. *Based on the teacher's evaluation data and performance evaluation rating, each school district shall include in the evaluation of a teacher a description of the supports that will be provided to assist the teacher in improving instructional practice or professional responsibilities, or both.*

NEVADA DEPARTMENT OF EDUCATION

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED TEMPORARY REGULATIONS AS
REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
TEACHER EVALUATION FRAMEWORK**

**Adding a new section to NAC 385 establishing provisions governing the eligibility of a
member of the State Board of Education to serve as an officer of the State Board.
INFORMATIONAL STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code 389:

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on December 14, 2012. There was public comment

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the Teacher Evaluation Framework was sent to approximately 200 individuals and educational organizations. A public hearing was conducted January 25, 2013 to provide the opportunity for comments by affected parties and the public. There was public comment.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 38; First Hearing: 22
- b) Testified at Each Hearing: First Workshop: 10; First Hearing: 9
- c) Submitted Written Statements: First Workshop: 1; First Hearing: 1

A copy of any written comments may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comments were solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of November 19, 2012 and a public hearing notice of December 20, 2012. At the December 14, 2012 workshop to

solicit comments there was public comment to the proposed regulation. At the January 25, 2013 public hearing there was public comment to the proposed regulations. The Board adopted the proposed regulation at the January 25, 2013 public hearing.

Summary of Comments:

Workshop comments:

Please see attached.

Public Hearing comments:

Please see attached.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, or by writing to the Nevada Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The Nevada State Board of Education adopted the proposed regulation language at the public hearing held January 25, 2013. The reason for adopting the regulations is the State Board of Education is required to adopt regulations to implement the Statewide System of Evaluation and Support for Teachers and School-Lever Administrators, as a result of legislation passed in the 2011 Legislative Session (i.e. Assembly bill 222). A first set of regulations are proposed for adoption at this public hearing. A second public hearing to adopt additional regulations is anticipated for June 2013. Those regulations to be considered for adoption at this public hearing appear on pages 2-12 of the attached document. On pages 13-16 of the attached document (shaded in gray) are regulations tentatively anticipated for adoption in June 2013, following any associated legislative changes during the 2013 Legislative Session

5. The estimated economic effect of the adopted regulation on the business that it is to regulate and on the public. These must be stated separately and each case must include:

There is no economic effect on the public or the business it regulates.

There is an undetermined economic impact on the Nevada Department of Education and local school districts. The State and local school districts will incur expenses associated with training for educators and evaluators on the system itself and on the standards incorporated therein, as well as with regard to engagement in data system expansion and validation study efforts.

There is federal law affecting proposed regulations inclusive in the State's Elementary and Secondary Education flexibility request.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or local governmental agency regulations will be overlapped or duplicated by the above noted regulation.

There is federal law affecting proposed regulations inclusive in the State's Elementary and Secondary Education flexibility request.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee or increase an existing fee.

Workshop public comments/

Barbara Clark, Chair, Statewide Advisory Council on Family Engagement, stated she agreed with the importance of the TLC work. A rubric of what family engagement should look like was presented at a TLC meeting in October. At that time, the council disagreed with family engagement falling under professional responsibilities. Family engagement may be viewed as outside the classroom, however, 30 years of research has indicated that it is an important key to academic success for students and it is a partner with teachers in the classroom. Family Engagement is the only direct link to student learning under the professional responsibility component and it is important for the academic success for each and every child.

Barbara Barker, TLC member, stated that as a classroom teacher she supports the process and the work accomplished by the TLC. The developed framework supports teacher effectiveness in the classroom as the Common Core state standards are rolled out. Administrator roles are being redefined by the evaluation system and they are relying on administrators to support classroom teachers. Ms. Barker said she supports the development of a peer system review team that is trained to effectively support teachers in the classroom. As the chairperson of the communication sub-committee, she added that teachers, administrators and all stake holders including parents are listening and supporting the process.

Theresa Crowley, teacher and member of TLC stated she is proud of the instructional part of the evaluation framework and the serious focus on instruction. Ms. Crowley reiterated the importance of how they conducted the validation studies to seriously look at the data in terms of assessments that indicates student growth. Ms. Crowley acknowledged the importance of professional development for teachers and evaluators.

Sharla Hales, Douglas County School Board trustee, and member of TLC, concurred with comments from her colleagues. Ms. Hales stated she has mixed feelings regarding the roll-out, satisfied with the quality of the work that has been completed but said she is concerned there is much left to do.

Dr. Sylvia Lazos, professor of law, UNLV stated she serves on many committees and her perspective comes from a southern, urban perspective. Dr. Lazos said that Nevada needs to focus on the gaping wound in the system, which is how the educational system services minorities, high poverty schools and ELL in the classroom. Dr. Lazos provided data showing the CCSD achievement gap for fifth grade ELL students who are performing at a proficient level of 15 percent and eight grade students who are performing below five percent on English proficiency exams. This criteria needs to come to the attention of both teachers and administrators if the problems are to be solved. Dr. Lazos explained that to be effective in classrooms that are in crisis, teachers must be able to teach ELL kids and to be certain that our growth model is managing to measure the progress of ELL kids.

Pam Hicks, deputy executive director, CCASAPE, reviewed her earlier marks. She stated there are three compelling issues not delineated in the TLC document.

- Is there a Plan B? What if the statutes are not changed, what if the TLC proposals are not approved by the Legislature, what if there is no longitudinal data system which is a systemic need for the TLC work, what if teachers in English, Math and Reading opt to teach to non-tested disciplines, what if teachers of special education students and English language learners (ELL) opt to move to regular classes?
- A notable omission of Senate Bill (S.B.) 222 is accountability outside of the school site. How will personnel in district, central and county office's be held accountable, will grant writing personnel be held accountable to obtain monies to support reform, will State Universities be held accountable to produce highly effective teachers, will human resources departments be accountable to recruit the best teachers, will superintendents be held accountable to provide support to school, will Nevada Legislators be held accountable? All of these entities should have accountability standards related and aligned to Nevada students.
- What happens in the classroom will determine the success or failure of education reform in Nevada. It is clear that teachers and their administrators will be on the front line for Nevada student achievements.

Craig Stevens, Nevada State Education Association (NSEA), stated he attended the majority of the TLC meetings for the last 15 months and concluded this is one of the best pieces of reform this state has seen. He added going through the process shines a spotlight on how we need to develop our educators. Every educator can be better and we need to assure the professional development is aligned with the evaluation.

Jose Solorio, chair, Si Se Puede LDC, stated they need to focus on how this will affect minority and Latino communities. The diversity gaps that currently exist with teachers and administrators need to be addressed at the school sites. Focus is on evaluating teachers and principals; however, the evaluation needs to be system wide and include parents, students, and legislators. Under this system, teachers will leave the at risk schools because it will be too hard. Currently, teachers from the at risk schools are teaching special education, ELL and behaviorally challenged kids at the same ratio as the Green Valley and Summerlin schools. Teachers are leaving the at risk schools because they will receive better evaluations at the other schools. Mr. Solorio stated we cannot ignore this; we are failing the Latino minority youth in Las Vegas and Nevada.

Ruben Murrillo, president of the Clark County Education Association (CCEA), stated Ellen Holmes who works with the CCEA was hired from the National Education Association. Ms. Holmes and the CCEA have vast experience with school reform and they are committed to this process. (Audio difficulties occurred)

Ellen Holmes, Director of Professional Learning, CCEA, stated she is a national board certified teacher. The CCEA represents the workforce that serves 70 percent of Nevada's children. Ms. Holmes said they are highly engaged and concerned about the teacher evaluation system. The CCEA, the union of teaching professionals, believes the new teacher evaluation system must identify and grow highly effective teachers. This belief leads to the following concerns:

- The full implementation of an evaluation system of this complexity will require more than is currently provided via state support to the CCSD. The timeline is too short for full implementation, especially for the portion of the system built on student outcomes. The capacity to build professional growth with an evaluation system built on student data that is statistically valid, reliable and credible is too short.

Further, the CCSD, already struggling with limited resources, does not have a district data system in place yet that will allow for valid reliable and credible evaluations of this caliber. A rushed implementation of the evaluation system would lead to a high stakes, high stress system like Florida, where high credible people do difficult and dumb things. We believe this system implemented on the current timeline will fall short of the intended purposes, growing and identifying highly effective teachers.

- Another concern is how evaluators will be selected, grown and evaluated. The significant and complex indicators defined within the five high leverage principals are a shift in rigor from what currently exists in CCSD. They define a collection of research based best practices that for many administrators currently in the system, and teachers, will be completely novel. If the intent of a systemic evaluation system is to identify and grow high quality teachers, then those doing the evaluations must be masters themselves of the indicators they are looking for. There will also need to be a significant professional learning system in place, tightly coupled to the high leverage principals so when an individual is identified as needing growth there are options in place to scaffold that. For these reason CCEA believes there is not currently enough support from the state coming to the CCSD to implement such a system of high quality.
- Another great concern is the social justice aspects of who it is that we serve in CCSD.

Public Hearing public comments

Dale Norton, superintendent, Nye County School District stated he has been an administrator for 23 years, an educator for 32 years, he is currently the standing president of the Nevada Association of School Administrators as well as an appointed member of the TLC. Mr. Norton said he is speaking as the superintendent of Nye County today. Nye County School District is the largest land district in Nevada and the lower 48 states covering 18,000 square miles. His board of trustees, administrators, teachers and parents are concerned about the finances required to implement the evaluation system and cover 18,000 square miles as well as the method of continued professional development required for the 3-5-7-10 year plan.

Superintendent Norton addressed the complexity of the TLC work stating the validation process is very important and needs to align with the needs of all human capital including every diverse group there is in Nevada. Many states have identified that they moved too quickly in the process without good validation and he said they need to go slow to go fast.

Sylvia Lazos, Latino Leaders Alliance, UNLV, asked for clarification regarding how the public can have their written comments submitted during workshops and public hearings become part of the public record. She distributed copies of her written comments to the board members in Las Vegas and asked that they be included as part of the minutes.

Ms. Lazos stated there has been progress but she still has concerns about ELL and the lack of diversity on the TLC. Ms. Lazos discussed a report by Professor Aida Walqui who is a national expert on ELL and the Common Core Standards that was prepared for a Clark County School District (CCSD) ELL review committee in June 2012. The report stated that 95 percent of teachers in CCSD were not introducing proper instructional practices to ELL children in the classroom. Ms. Lazos stated the TLC continues to make the assumption that a mono-cultural teacher will be able to understand the cultural aspects of the diverse learner. Current data indicates that assumption is wrong; the correct assumption is that most teachers do not have the level of cultural competence needed and are not able to adequately teach ELL learners. Ms. Lazos stated this information should be addressed expressly and explicitly in the TLC standards and that cultural competence is 90 percent of the problem. Ms. Lazos requested her written comments be included as part of the minutes. See Attachment A.

Ellen Holmes, director of Professional Learning, Clark County Education Association (CCEA) stated the CCEA believes that a well designed and well implemented teacher evaluation system should result in the accurate identification, classification and growth of effective teachers. The CCEA presented the following concerns:

- Most of the teachers recognize the need and welcome a new evaluation system; however they are concerned how evaluators will be selected, grown, and verified for validity, reliability and credibility. The significant and complex nature of the high leverage principals and indicators described in the TLC's proposed teaching framework are a shift from what currently exists in the CCSD. The requisite process for conducting the evaluations is novel to most of the 357 work sites in CCSD. It is agreed that the

framework and process represent research and best practices, but this system is significantly novel to the current teaching and administration core.

If the intent of the new evaluation system is actually to identify, classify and grow high quality professionals, teachers and principals, then those doing the evaluations must be masterful enough to know what to look for and how to provide credible formative feedback in a collaborative way. The selection, training and ongoing monitoring of high caliber evaluators such as this, will require a lot of time, effort and resource. The human capital and funding above the basic formula currently used to fund Clark County schools is significant.

Tightly aligned with the need for high quality feedback from credible and reliable evaluations is a need for a strong professional learning system. The system of growth that would be of the rigor and frequency required to cause actual strong professional learning and increase student achievement does not currently exist in the CCSD and the limited federal and state monies provided for professional development are far below what is necessary and sufficient to do this well.

The greatest concern is the social justice issue that is embedded in the framework for both principals and teachers. The CCEA believes all teachers in the schools in which they work have an obligation to serve each student at the highest level despite race, socioeconomic status, and culture or language difference.

In reviewing the work of the TLC, the CCEA believes the important requisite and specific teaching practices of cultural competency have been forgotten, or so far embedded that they have become colorblind. They believe that the significant and specific practices required to support the large and rapidly growing ELL population in Clark County have been completely forgotten in the descriptors of the framework. In a state with a demographic make-up of urban areas such as Clark County, these specific needs cannot be ignored, because they are foundational for increasing the learning of all our students.

The CCEA urges that the framework include at least one high leverage principal and a set of indicators that focus on these competencies. The Board can direct the TLC to go back and review the framework for these additions. The CCEA also asks that the full implementation of the teacher evaluation system be pushed far back into the 2015-2016 school year, and possibly even further for the components requiring the data system, for reasons discussed here at length. The CCEA further asks that significant additional funding above and beyond that already required to basically fund the running of the public school system in CCSD be allocated and targeted for the professional development system and an evaluation system that is required of this mandate.

Pam Hicks, deputy executive director of Clark County Association of School Administrators and Professional Technical Employees (CCASAPE) stated they fully endorse the final recommendations and implementation considerations from the TLC with a few exceptions. The reforms as outlined in the TLC document are supported by CCASAPE which represents

more than 1200 administrators in the CCSD. The TLC documents are complete within the scope of S.B. 222, however, there are three compelling issues affecting the reform agenda. These issues are major considerations that need to be continually at the forefront as the reform initiatives move forward:

- What is plan B, what if the State Board of Education does not adopt the recommendations today? What if the suggested statutory changes to S.B. 222 are not passed by the legislature? What if funding is not provided for the recommendations, will all this work be in vain? Ms. Hicks stated that somewhere, someone needs to be working on plan B.
- Where is the accountability for those outside the school? Will state universities be accountable to produce highly effective teachers? Will human resource departments be accountable to recruit the best teachers? Will finance managers be accountable to steer dollars to reform? Will superintendents be accountable to provide support to schools, and will parents be accountable to support their children's needs to have a successful day at school? Ms. Hicks stated that somewhere, someone should be developing accountability standards for these entities.
- The classroom is ground zero for reform. Teachers and their administrators are first and foremost the gatekeepers for student achievement. However, to meet the new standards they need the help of everyone who claims to be an advocate for Nevada students. Ms. Hicks stated that somewhere, someone should be working to ensure teachers and administrators get what they need. As the newly structured Board of Education, the work begins now; this work is the critical portion of reform. Nevada citizens and students are depending on the Board to carry forward the reform measures, but more importantly Nevada students and citizens are depending on the Board to guarantee educational reform is not only instituted but also funded.

Theo Small, fifth grade teacher in CCSD and an appointed TLC member, stated that when the TLC first began their work, they had the intention of growing better teachers, educators and administrators. Teachers and administrators are in favor of improving standards and working to a deeper level to meet the needs of students. Mr. Small said speaking as a teacher; they need to have state assessments to compare to their own assessments. As a member of the TLC, he said they believe if they have administrator support and follow instructional practices, a strong learning curve will be provided for teachers. He added they need to assure that a highly effective teacher in Clark County is the same as a highly effective teacher in Elko or Nye County and that uniformity is important.

Jose Solorio, chair, Si Se Puede Latino Democratic Caucus, stated he would like to see Latino representation on the TLC that would have input into the recommendations. Mr. Solorio stated there are more than 80,000 ELL students in the state and over the last five years they have lost funding. He asked that the TLC look at what other states are doing that works and realistically talk about how to address ELL.

Barbara Clark, chair, Advisory Council on Family Engagement, requested the TLC raise the family engagement piece to ten percent and support the family engagement standards; welcome all families, communicate effectively, support student success, speak up for every child, share power, and collaborate with community. Ms. Clark expressed concern the results will be the same unless significant changes are made based on the six standards of family engagement.