

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

**LCB File No. T015-13**

**Note: This is the second set of regulations to be adopted regarding the statewide performance evaluation and support system. The State Board of Education adopted the first set of regulations on January 25, 2013. The regulations proposed herein and to be considered June 13, 2013 are designed to align with statutory changes that would result from the passage of Senate Bill 407 in the 77<sup>th</sup> Legislative Session. Should Senate Bill 407 be amended or not passed then any proposed regulatory content that conflicts with existing statutes will be removed from the June 13, 2013 hearing.**

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

Development, Validation, and Implementation of  
Statewide Performance Evaluation System for Teachers and School-Level Administrators

391.XXX Timelines for Development or Acquisition, Validation, and Implementation of  
Methods and Tools for Evaluation.

*1. The Department shall, not later than June 30, 2015, develop or acquire and validate, as necessary, methods and tools for evaluating school-level administrators and teachers within the categories of educational practice and pupil performance.*

*(a) A representative sample of school districts shall, not later than the 2013-2014 school year, participate in the Department's validation of methods and tools for evaluating school-level administrators and teachers.*

*(b) Each school district shall, not later than the 2014-2015 school year, participate in the Department's validation of methods and tools for evaluating school-level administrators and teachers.*

2. *Sections 391.XXX through 391.XXX of these regulations are effective through June 30, 2015.*
3. *The State Board of Education shall, on or before July 1, 2015, adopt final regulations establishing the validated methods and tools for evaluating school-level administrators and teachers in the categories of educational practice and pupil performance.*
4. *The Department shall, not later than June 30, 2015, develop and implement a system to monitor school district implementation of the statewide performance system for teachers and school-level administrators, to include monitoring inter-rater reliability for scoring standards and indicators, and continuing validation of the methods used to evaluate school-level administrators and teachers.*

391.XXX Development and Validation of Methods for Evaluating the Performance of School-Level Administrators and Teachers in the Educational Practice Category.

1. *The performance of school-level administrators in the instructional leadership domain and the performance of teachers in the instructional practice domain shall be measured based upon the following data focused directly on standards and indicators:*
  - (a) *Observations of performance, including teacher observations as follows:*
    - (1) *For probationary, minimally effective, and ineffective teachers, three observations per year, with a pre-evaluation conference held prior to the first observation, and observations conducted as follows:*
      - a. *First observation within the first forty (40) days of the start of instruction;*
      - b. *Second observation no later than eighty (80) days from the start of instruction; and*
      - c. *Third observation within one hundred twenty (120) days of the start of instruction.*
    - (2) *For post-probationary, effective teachers, two observations per year, with a pre-evaluation conference held prior to the first observation, and observations conducted as follows:*
      - a. *First observation within the first eighty (80) days of the start of instruction; and*
      - b. *Second observation no later than one hundred twenty (120) days of the start of instruction.*
    - (3) *For post-probationary, highly effective teachers, one observation per year, with a pre-evaluation conference*

*held prior to the first observation and recommended to be held within fifty (50) days of the start of instruction, and the observation conducted within the first one hundred twenty (120) days of the start of instruction.*

- (b) Reviews of artifacts, which may include 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;*
  - (c) Self-assessment, which may include guided reflection, self-responded questionnaires, peer feedback, journals, media recordings of teaching, or pupil feedback; and*
  - (d) Goal setting, including developing, implementing, and assessing annual goals for improvement.*
- 2. The performance of school-level administrators and teachers in the professional responsibilities domain shall be measured based upon the following data focused directly on standards and indicators:*
- (a) Reviews of artifacts, which may include 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;*
  - (b) Self-assessment, which may include guided reflection, self-responded questionnaires, peer feedback, journals, media recordings of teaching, or pupil feedback; and*
  - (c) Goal setting, including developing, implementing, and assessing annual goals for improvement.*
- 3. The Department shall, not later than June 30, 2015, develop or acquire and validate, as necessary, tools for evaluating and improving the performance of school-level administrators and teachers, including but not limited to:*
- (a) Rubrics describing expectations for performance to be measured in observations and review of artifacts;*
  - (b) Protocols to guide and score observations;*
  - (c) Protocols to guide pre- and post-observation conferences;*
  - (d) Protocols to guide pre- and post-evaluation conferences;*
  - (e) Instruments and techniques to facilitate self-assessment; and*
  - (f) Protocols to evaluate goal setting.*

4. *Methods for using tools to evaluate school-level administrators and teachers shall be subject to modification as the result of validation work during the 2013-2014 and 2014-2015 school years.*

391.XXX Development and Validation of Methods for Evaluating Performance of School-Level Administrators and Teachers in the Pupil Performance Category.

1. *The performance of school-level administrators and teachers in the pupil outcomes domain shall be measured based upon the following data:*
  - (a) *Pupil growth;*
  - (b) *Reduction of gaps in proficiency for pupil subpopulations; and*
  - (c) *Pupil proficiency.*
2. *The Department shall, not later than June 30, 2015, design and validate methods for using aggregated and disaggregated data derived from test results from statewide assessments administered at grades three through eight and grade eleven in reading/language arts and mathematics to evaluate school-level administrators and teachers.*
  - (a) *For teachers, the methods shall provide for a differentiated evaluation framework for teachers in two groups:*
    - (1) *Teachers in state-tested grades and subjects as defined by NRS 391.111; and*
    - (2) *Teachers in non-state tested subjects and grades as defined by NRS 391.111.*
  - (b) *Three years of pupil achievement data shall be used to maximize the validity and reliability of using pupil outcomes to measure school-level administrator and teacher effectiveness.*
  - (c) *Methods for using aggregated and disaggregated pupil outcome data to evaluate school-level administrators and teachers shall be subject to modification as the result of validation work during the 2013-2014 and 2014-2015 school years.*

391.XXX Development and Validation of Scoring Matrix.

1. *The Department shall, not later than June 30, 2015, develop and validate an evaluation scoring matrix to designate a performance evaluation rating for school-level administrators and teachers. The scoring matrix will analyze scores obtained from:*

- (a) observations;*
- (b) artifact review;*
- (c) self-assessment;*
- (d) goal setting; and*
- (e) pupil outcomes*

*to obtain a single score for assigning a performance evaluation rating.*

- 2. The scoring matrix shall be based on recommendations from the Teachers and Leaders Council and information gathered from the validation of the Statewide Performance Evaluation and Support System for Teachers and School-Level Administrators during the validation period.*
- 3. The scoring matrix shall blend conjunctive components, where set scores are used to measure particular standards, indicators, and pupil outcomes, with compensatory components, where strength in one area may compensate for weakness in another.*
- 4. School districts must evaluate school-level administrators and teachers based on performance addressing the standards, indicators, and pupil performance measures established in 391.XXX, 391.XXX, 391.XXX, and 391.XXX. School districts must either adopt the tools validated by the Department, including protocols, rubrics, instruments, and techniques described in 391.XXX, or submit applications to the Department for local flexibility in the use of evaluation tools.*
- 5. The Department shall create a process for school districts to apply for local flexibility in the use of evaluation tools. At a minimum, the process will require that applications must include the school district's proposed tools to evaluate performance that are aligned with the standards, indicators, and pupil performance measures established in 391.XXX, 391.XXX, 391.XXX, and 391.XXX. The applications must also describe the process for incorporating into the state scoring matrix the scores derived from the school district's measures of standards, indicators, and pupil performance.*
- 6. The design of the scoring matrix used to evaluate school-level administrators and teachers shall be subject to modification as the result of validation work during the 2013-2014 and 2014-2015 school years.*

**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 regulation regarding the creation and implementation of a statewide performance evaluation and support system for public school teachers and administrators in accordance with NRS 391.**

**INFORMATIONAL STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code 391:

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 June 13, 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: 26
- b) Testified at Each Hearing: First Workshop: 10; First Hearing: 0
- c) Submitted Written Statements: First Workshop: 1; First Hearing: 0

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 May 13, 2012. At the December 14, 2012 workshop to solicit comments there was public comment to the proposed regulation. At the June 13, 2013 public hearing there was no public comment to the proposed regulations. The Board adopted the proposed regulation at the June 13, 2013 public hearing.

Summary of Comments:

Workshop comments:  
Please see attached.

Public Hearing comments:

There was no public comment.

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 June 13, 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-Level Administrators, as a result of legislation passed in the 2011 Legislative Session (i.e. Assembly bill 222). A first set of regulations was adopted at a January 25, 2013 public hearing. The reason for adopting additional regulations at a second public hearing follows associated legislative changes during the 2013 Legislative Session to include development, validation and implementation of statewide performance evaluation system for teachers and school-level administrators.

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.