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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, November 2, 2023**, via [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

**2:15 P.M Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391—
Nevada Educator Performance Framework**

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Wednesday, November 1, 2023**.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

NAC 391.571 Performance evaluation of school-level and probationary administrators: Required domains. ([NRS 385.080](#), [391.465](#), [391.480](#))

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~~**65** 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 *the State Board of Education pursuant to [NRS 391.465](#)* ~~[NAC 391.573](#)~~, which, except as otherwise provided in subsection 2, must account for ~~15~~**20** percent of the performance evaluation; and

(c) Except as otherwise provided in subsection 2, the extent to which the learning goals of pupils enrolled in the school were achieved based upon the assessments selected pursuant to [NAC 391.582](#), which must account for ~~40~~**15** percent of the performance evaluation.

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](#)~~ *the State Board of Education pursuant to [NRS 391.465](#)*, with the percentages and weights assigned to those domains in accordance with the scoring matrix prescribed by the Department pursuant to [NAC 391.580](#).

(Added to NAC by Bd. of Education by R007-13, eff. 10-23-2013; A by R021-16, 11-2-2016, eff. 7-1-2017; R037-18, 12-19-2018)

~~**NAC 391.572 Performance evaluation of school-level administrator in domain of instructional leadership practices. ([NRS 385.080](#), [391.465](#))**—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 [NAC 391.580](#):~~

~~—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 vision for obtaining high pupil achievement and college and career readiness for pupils and frequently reviewing and revising the vision when appropriate;~~

~~—(b) Holding teachers and pupils accountable for learning through regular monitoring of a range of performance data;~~

~~—(c) Structuring opportunities to engage 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 for teachers to facilitate pupil learning through a variety of means.~~

~~—2. The school-level administrator creates and sustains a culture of 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 learning that facilitate ongoing improvement; 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 demonstrates an interest in the well-being of pupils, staff and the school community and creates a positive affective experience for such persons;~~

~~—(b) Providing opportunities for extended, productive discourse between the school-level administrator and teachers and among teachers to support the decision-making process at the school;~~

~~—(c) Structuring the school environment to facilitate collaboration between the school-level administrator and teachers and among teachers in a manner that supports the learning goals of the school; and~~

~~—(d) Creating and maintaining structures and processes to communicate and partner with teachers and the families of pupils in a manner that supports the learning 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 frequently reviewing and revising those systems and processes when appropriate;~~

~~—(b) Developing systems and processes to implement a coherent and clearly articulated curriculum across the entire school and frequently reviewing and revising those systems and processes when appropriate; and~~

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

(Added to NAC by Bd. of Education by R007-13, eff. 10-23-2013; A by R021-16, 11-2-2016)

~~**NAC 391.573 Performance evaluation of school-level administrator in domain of professional responsibilities. (NRS 385.080, 391.465)**—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 NAC 391.580:~~

~~—1. The school-level administrator effectively manages the personnel 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 provide support to teachers and 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 leadership opportunities for teachers; and~~

~~—(d) Complying with the requirements of the statewide performance evaluation system and any expectations specified in policies adopted pursuant thereto.~~

~~—2. The school-level administrator engages in self-reflection and 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 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 professional learning opportunities that are aligned with his or her professional responsibilities to improve his or her instructional 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 personnel employed at the school, pupils and the families of pupils;~~

~~—(b) Modeling integrity in all interactions with colleagues and staff, pupils, the families of pupils and the community;~~

~~—(c) Respecting the rights of personnel employed at the school, pupils and the families of pupils with regard to confidentiality, when appropriate, and engaging in honest interaction with and treating such persons with dignity; and~~

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

~~—4. The school level administrator engages the families of pupils and the community, as demonstrated by the following indicators:~~

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

~~—(b) Involving the families of pupils and the community in accomplishing the goals of the school set forth in the vision developed pursuant to paragraph (a) of subsection 1 of [NAC 391.572](#) and school improvement efforts; and~~

~~—(c) When appropriate, connecting pupils and the families of pupils with available educational, health and social services.~~

~~—(Added to NAC by Bd. of Education by R007-13, eff. 10-23-2013; A by R021-16, 11-2-2016)~~

NAC 391.574 Performance evaluation of teacher: Required domains. ([NRS 385.080](#), [391.465](#), [391.480](#))

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~~**65** 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 *the State Board of Education pursuant to [NRS 391.465](#)* ~~[NAC 391.576](#)~~, which, except as otherwise provided in subsection 2, must account for ~~15~~**20** percent of the performance evaluation; and

(c) Except as otherwise provided in subsection 2, the extent to which the learning goals of pupils enrolled in the school were achieved based upon the assessments selected pursuant to [NAC 391.582](#), which must account for ~~40~~**15** percent of the performance evaluation.

2. The performance evaluation of a probationary teacher, 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 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](#).

(Added to NAC by Bd. of Education by R007-13, eff. 10-23-2013; A by R021-16, 11-2-2016, eff. 7-1-2017; R037-18, 12-19-2018)

~~—[NAC 391.575](#)—Performance evaluation of teacher in domain of instructional practices. ([NRS 385.080](#), [391.465](#))—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 NAC 391.580:~~

~~— 1. The teacher ensures that new learning is connected to the prior learning and experience of all pupils, as demonstrated by the following indicators:~~

~~— (a) Activating the initial understanding of all pupils and applying that existing understanding to new concepts and skills;~~

~~— (b) Making explicit connections for all pupils between new concepts and skills and previously learned concepts and skills;~~

~~— (c) Making clear to all pupils the purpose and relevance of new concepts and skills; and~~

~~— (d) Providing all pupils with opportunities to build on or challenge their initial understanding of concepts and skills.~~

~~— 2. The teacher ensures that tasks are based upon high cognitive demands for pupils with diverse abilities, as demonstrated by the following indicators:~~

~~— (a) Purposefully employing the cognitive abilities and skills of all pupils;~~

~~— (b) Placing appropriate demands on all pupils;~~

~~— (c) Progressively developing the cognitive abilities and skills of all pupils; and~~

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

~~— 3. The teacher ensures that all pupils engage in the act of learning, constructing understandings for themselves, through discourse and other strategies, as demonstrated by the following indicators:~~

~~— (a) Providing opportunities for extended, productive discourse between the teacher and all pupils and among pupils;~~

~~— (b) Providing opportunities for all pupils to create and interpret multiple representations;~~

~~— (c) Assisting all pupils 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 all pupils, and to create a positive affective experience for all pupils.~~

~~— 4. The teacher ensures that all pupils engage in metacognitive activity to increase understanding of and accept responsibility for their own learning, as demonstrated by the following indicators:~~

~~— (a) Imparting an understanding to pupils of the skills and concepts being taught, 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 all pupils; and~~

~~— (c) Supporting all pupils to take actions to improve their 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 all pupils based upon evidence of their current learning status;~~

~~—(b) Aligning assessment opportunities with learning goals and performance criteria;~~

~~—(c) Structuring opportunities to generate evidence that all pupils are learning each skill and concept being presented during a lesson; and~~

~~—(d) Adapting his or her actions in the classroom based on the evidence described in paragraph (c).~~

~~—(Added to NAC by Bd. of Education by R007-13, eff. 10-23-2013; A by R021-16, 11-2-2016)~~

~~—**NAC 391.576 Performance evaluation of teacher in domain of professional responsibilities.** (NRS 385.080, 391.465) 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 NAC 391.580:~~

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

~~—(a) Taking an active role on his or her instructional team and collaborating with colleagues to improve the instruction of all pupils;~~

~~—(b) Taking an active role in developing a professional culture that supports the initiatives of the school and the initiatives of the school district; and~~

~~—(c) Taking an active role in 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 and practice, as demonstrated by the following indicators:~~

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

~~—(b) Pursuing professional learning opportunities that are aligned with his or her role and responsibilities as a teacher to support improved instructional practice across the school community; and~~

~~—(c) Taking an active role in mentoring colleagues and pursuing leadership opportunities.~~

~~—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 families of pupils;~~

~~—(b) Modeling integrity in interactions with colleagues, pupils, the families of pupils and the community; and~~

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

~~—4. The teacher engages the families of pupils, as demonstrated by the following indicators:~~

~~—(a) Regularly facilitating two-way communication between the teacher and the families of pupils, including, without limitation:~~

~~—(1) Using available tools that are responsive to the language needs of the families of pupils;~~

~~—(2) Responding to requests for information made by the families of pupils; and~~

~~—(3) Providing information regarding the goals of instruction and the progress of a pupil toward meeting such goals upon request.~~

~~—(b) Valuing, respecting and welcoming pupils from diverse cultural backgrounds and the families of such pupils by treating them as valuable assets to pupil learning.~~

~~—(c) Informing pupils and the families of pupils of available educational, health and social services and connecting the pupils and families of pupils 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 as demonstrated by pupils reporting that the teacher:~~

~~—(a) Helps them learn;~~

~~—(b) Creates a safe and supportive learning environment; and~~

~~—(c) Cares about them as individuals and their goals and interests.~~

~~—(Added to NAC by Bd. of Education by R007-13, eff. 10-23-2013; A by R021-16, 11-2-2016)~~

NAC 391.580 Scoring matrix for performance evaluations of school-level administrators and teachers. ([NRS 385.080](#), [391.465](#))

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 which 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 [NAC 391.572](#)~~ *and*;

(b) Professional responsibilities of the school-level administrator to support learning and promote the effectiveness of the school community ~~prescribed by [NAC 391.573](#)~~;

(c) Instructional practices of the teacher in the classroom prescribed by [NAC 391.575](#); and

(d) Professional responsibilities of the teacher to support learning and promote the effectiveness of the school community prescribed by *the State Board of Education pursuant to NRS 391.465* [NAC 391.576](#)

3. The scoring matrix prescribed by the Department pursuant to subsection 1 must account for probationary school-level administrators and teachers 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.

(Added to NAC by Bd. of Education by R007-13, eff. 10-23-2013)

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: October 11, 2023

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding the Nevada Educator Performance Framework is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert
Superintendent of Public Instruction