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STATE OF NEVADA BOARD OF EDUCATION

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December 23, 2020

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of
the Nevada State Board of Education as proposed in LCB File #R118-20

The Nevada State Board of Education will hold a public hearing **at 11:00 A.M. on Thursday, January 28, 2021 via videoconference**. In accordance with Governor Steve Sisolak's State of Emergency Directive 006, Section 1, there will be no physical location designated for this meeting. The meeting will be livestreamed on the Nevada Department of Education's [website](#), and may be navigated to from https://doe.nv.gov/State_Board_of_Education/

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391 of the Nevada Administrative Code (NAC), pursuant to Senate Bill 475 of the 2019 Legislative Session to revise evaluation domains within the statewide performance evaluation system.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with Senate Bill 475 of the 2019 Legislative Session and Nevada Revised Statute 391.465, the Nevada State Board of Education, based upon the recommendations of the Teachers and Leaders Council of Nevada, is instructed to adopt regulations necessary to carry out the following:
 - *"...establish...a statewide performance evaluation system which incorporates multiple measures of an employee's performance..."*
 - *"...require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district"*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation revises the evaluation domain of teachers and school-level administrators under the Nevada Educator Performance Framework to be: instructional practices (65%); professional responsibilities to support learning and promote effectiveness of the school community (20%); and extent to which learning goals of a pupil are achieved (15%).

The revised text of the proposed regulation is attached to this notice.

- 3. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 4. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 5. The estimated cost to the agency for enforcement of the proposed regulation:** no costs.
- 6. Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** there is no duplication or overlap of regulations of state or local government agencies.
- 7. Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
- 8. Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
- 9. Does the proposed regulation establish a new fee or increase an existing fee?** the proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency

Persons wishing to comment upon the proposed action of the State Board of Education may submit written comment to the Nevada Department of Education via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. 5th Street, Carson City, Nevada. Comments may be submitted via email leading up to and for the duration of the hearing, and those submitted via mail must be received by the Department on or before January 27, 2021. The Board of Education will proceed to act upon any written submissions. A record of all submitted comments will be retained.

The requirements set forth in NRS 241.020(4)(a) for the posting of agenda for public meetings was suspended in Governor Sisolak's State of Emergency Directive 006.

This notice and the text of the proposed regulation are available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and online at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be emailed and/or mailed to members of the public upon request. A reasonable fee may be charged for copies, if it is deemed necessary.

A copy of this notice and the regulation to be adopted has been posted on the Nevada Department

of Education's website at <https://www.doe.nv.gov>, as well as Nevada's Public Notice site at <https://www.notice.nv.gov>.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

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

LCB File No. R118-20

September 11, 2020

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

AUTHORITY: §§1 and 2, NRS 385.080 and 391.465.

A REGULATION relating to education; revising provisions relating to performance evaluations of school-level administrators and teachers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations that establish a statewide performance evaluation system. Existing law requires that the statewide performance evaluation system require that pupil growth account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district. (NRS 391.465) Existing regulations require that in the performance evaluation of a school-level administrator or teacher: (1) instructional practices account for 45 percent of the evaluation; (2) professional responsibilities to support learning and promote effectiveness of the school community account for 15 percent of the evaluation; and (3) the extent to which learning goals of pupils are achieved account for 40 percent of the evaluation. (NAC 391.571, 391.574) **Section 1** of this regulation instead requires that in the performance evaluation of a school-level administrator: (1) instructional practices account for 65 percent of the evaluation; (2) professional responsibilities to support learning and promote effectiveness of the school community account for 20 percent of the evaluation; and (3) the extent to which learning goals of a pupil are achieved accounts for 15 percent of the evaluation. **Section 2** of this regulation makes the same changes in percentages in each category for the performance evaluation of a teacher.

Section 1. NAC 391.571 is hereby amended to read as follows:

391.571 1. The performance evaluation of each school-level administrator must include an evaluation of the school-level administrator in the following domains:

(a) Instructional leadership practices of the administrator at the school, as prescribed by NAC 391.572, which, except as otherwise provided in subsection 2, must account for ~~45~~ 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 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, with the percentages and weights assigned to those domains in accordance with the scoring matrix prescribed by the Department pursuant to NAC 391.580.

Sec. 2. NAC 391.574 is hereby amended to read as follows:

391.574 1. The performance evaluation of each teacher must include an evaluation of the teacher in the following domains:

(a) Instructional practices of the teacher in the classroom, as prescribed by NAC 391.575, which, except as otherwise provided in subsection 2, must account for ~~[45]~~ **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 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.