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**STATE OF NEVADA**  
**NEVADA DEPARTMENT OF EDUCATION**  
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June 12, 2024

**Notice of Intent to Act Upon a Regulation**

Notice of Hearing for the Adoption of Regulations of the Nevada Department of Education as proposed in LCB File #R138-23.

The DEPARTMENT will hold a public hearing at **10:00 AM** on June 12, 2024 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 hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.571 and 391.574 of the Nevada Administrative Code (NAC), pursuant to NRS 391.465 regarding the weight of performance evaluation domains for licensed educational personnel.

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 NRS391.465, the Department is instructed to adopt regulations requiring:
  - [The] State Board to establish statewide performance evaluation system and prescribe tools to be used by schools to measure performance...**
- 2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation:** The revised text of the proposed regulation is attached to this notice.
- 3. Description of the proposed regulation, or the subjects and issues involved:** Under existing law, beginning with the 2022-2023 school year, pupil growth is required to account for 15 percent of the performance evaluations of teachers and certain administrators. (NRS 391.465)

Existing regulations require teachers and certain administrators to be evaluated in certain domains and require each domain to account for a certain percentage of such evaluations. (NAC 391.571, 391.574) This regulation requires the domain of pupil growth to account for 15 percent of the performance evaluations of teachers and school-level administrators rather than 40 percent of the performance evaluations. This regulation also revises the weight assigned to other domains used to evaluate teachers and school-level administrators.

4. **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.
5. **Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
6. **The estimated cost to the agency for enforcement of the proposed regulation:** no costs.
7. **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 of local government agencies.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **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.
10. **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.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Event – June 12, 2024 Nevada Department of Education Regulation Hearing | Nevada Department of Education \(nv.gov\)](#), by contacting the Nevada Department of Education, via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov), by telephone at 775-443-5519, or in person at the Nevada Department of Education, **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 may provide in-person testimony, submit written comment to the Department via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov) or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, **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, June 12, 2024. A record of all submitted comments will be retained, and the Department or Board will proceed to consider any public comment received.

This notice and the text of the proposed regulation 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>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted 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.

**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. R138-23**

February 26, 2024

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

AUTHORITY: §§ 1 and 2, NRS 385.080, 391.465 and 391.480.

A REGULATION relating to education; revising the weights assigned to the domains used to evaluate the performance of teachers and certain administrators; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the State Board of Education to establish a statewide performance evaluation system for evaluating the performance of educational employees. Under existing law, beginning with the 2022-2023 school year, pupil growth is required to account for 15 percent of the performance evaluations of teachers and certain administrators. (NRS 391.465)

Existing regulations require teachers and certain administrators to be evaluated in certain domains and require each domain to account for a certain percentage of such evaluations. (NAC 391.571, 391.574) This regulation requires the domain of pupil growth to account for 15 percent of the performance evaluations of teachers and school-level administrators rather than 40 percent of the performance evaluations. This regulation also revises the weight assigned to other domains used to evaluate teachers and school-level administrators.

**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. 4.** 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.