

Regulation Topic/Title R104-25 Performance Improvement Plans

Summary

- Sections 2-6 establish clear definitions as used in the regulation and in SB460.
- Section 7 establishes the requirements for the development of a performance improvement plan; specifically, that it must be developed collaboratively, identify each area of underperformance to include the standard, indicator, and goal for educational growth, and evidence to support these elements as underperforming. The plans must further include goals for performance improvement, benchmarks to assess progress, and a timeline for progress. It must also include opportunities for professional development training and include coaching and/or mentorship to support improvement.
- Section 8 clarifies that the goals set within a performance improvement plan must align with the NEPF and academic content standards, and include goals, as applicable, related to instructional practices, pupil engagement, and academic outcomes.
- Section 9-10 details the collaborative development of the plan and specific methods for training and support responsive to the established goals and documented areas of underperformance, to include coaching and mentorship.
- Section 11-12 explicates the review and assessment of the employee in alignment with their plan, and how an employee may be deemed as having completed or not completed their performance improvement plan, and the administrative options that may be pursued should an employee not succeed in their performance improvement plan.
- Section 13 requires that districts establish policies and procedures regarding this process, and that the Department shall monitor them for compliance.

Background

- SB460 (2025) introduced a process in which post-probationary teachers and administrators could be returned to probation based on their performance under the NEPF, requiring that they be placed on a performance improvement plan should they receive two consecutive summative evaluations, designating them as either developing or ineffective. The intention of the PIP is to directly address areas of underperformance identified in the evaluations of teachers and administrators. This allows for post-probationary teachers and administrators to receive needed interventions and support aligned with identified areas of growth in instructional practice/leadership and/or professional responsibilities standards.

Problem of Practice

- The PIP requirement stems from the need to move the NEPF from a compliance based rating system to a professional growth system with required accountability measures.
- NEPF ratings data trends over the last 5 years indicates that over 90% of teachers and administrators were rated either effective or highly effective. While drawn from two different systems, this is not reflective of annual student achievement data.
- There is a continuous loop of teachers and administrators remaining at “developing” ratings without facing clear accountability requirements or receiving structured support. The requirement of the PIP mandates that support before additional changes to employment status can take place.

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| <i>Development</i> | <ul style="list-style-type: none"> NDE created an SB460 working group containing school and district representatives to address various changes related to the Nevada Educator Performance Framework to discuss and develop possible regulations. As this regulation was developed by the SB460 working group, drafts were also circulated with NEPF district leads for review and feedback. Following this engagement, the regulation was workshopped at the Teachers and Leaders Council. |
| <i>Supportive Engagement</i> | <ul style="list-style-type: none"> There was robust engagement with schools and districts regarding this regulation, and the Teachers and Leaders Council is in support. Accountability with the aim of support and growth before termination was a common theme across groups. |
| <i>Oppositional Engagement</i> | <ul style="list-style-type: none"> Please see the Opposition Tracker below. |
| <i>Inflection Points</i> | <ul style="list-style-type: none"> N/A |
| <i>History</i> | <ul style="list-style-type: none"> Introduced in 2025 Legislation |
| <i>Questions and Notes</i> | <ul style="list-style-type: none"> Through district collaboration, the Department is aware of some opposition testimony; however, this is largely unrelated to the regulatory language proposed. See below. |

| <i>Type</i> | <i>Opposition Comment</i> | <i>NDE Analysis</i> |
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| <i>Specific to Regulation</i> | Aligning PIP improvement goals with SB460 requirements | In comparing section 9.3 of R104-25 with the referenced SB460 sections 38.3.4 and 38.7.4, the language is directly mirrored; this comment is unclear. |
| <i>Conflict between Policy and Statute, not addressable in Regulation</i> | Overlap between the Performance Improvement Plan (PIP) process and the Employee Assistance Plan (EAP) process; preferring the EAP process. | <p>The EAP was developed through NDE policy but is not specifically contemplated in statute or regulation; it is not required under the law, but rather a supportive tool provided to help meet documentation requirements and proactively support employees. Because PIPs are in statute, NDE is legally mandated to implement the PIP process. The Department supports clear alignment and differentiation between the EAP and PIP processes but does not have the authority to remove the PIP process in favor of the EAP process.</p> <ul style="list-style-type: none"> The EAP is an optional tool developed by the Department without statutory or regulatory reference The PIP is mandated and defined in Statute. <p>Alignment and differentiation between the EAP and PIP must take place in policy, as EAPs are not contemplated in statute/regulation. This would not be done through regulation.</p> |

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| <i>Opposition to Statute, not addressable in Regulation</i> | For probationary employees, termination for not meeting standards is possible after 2-3 years of evaluation. For post-probationary employees under PIPs, termination may happen after 4-5 years of not meeting standards. There is conflict around this timeline. | This timeline is mandated and defined in Statute . The Department does not have authority to change the timeline, and all regulations must comply with statute. |
| <i>Opposition to Statute, not addressable in Regulation</i> | General opposition to the provisions in SB460 | The Department is required to implement the law as written. |
| <i>Opposition to Statute, not addressable in Regulation</i> | Concerns regarding the number of new accountability measures and time management. | These changes (i.e., NEPF changes, PIPs, evaluations, science of reading requirements, etc.) were made in statute; the Department is not able to waive or change these requirements in regulation. |