

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
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February 23, 2024

Legislative Review of Adopted Regulations as Required by NRS 233B.066
LCB File #R073-23

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388:

1. A clear and concise explanation of the need for the adopted regulation.

AB400 (2023) allows for cities and counties to become charter school authorizers, thus changing the charter landscape and requiring some changes to authorizing processes.

Currently, if a charter school is not rated in the first, second, or third highest tier in the Nevada School Performance Framework, then the charter school cannot change sponsors. In other words, a 1- or 2- star charter school does not have a mechanism in which they can change charter school sponsors. The language in R073-23 provides that mechanism. With this proposed regulatory change, if a charter school wants to change sponsorship, they can do so with the approval of their current sponsor. This continues to ensure that charter schools are held accountable for strong academic achievement, while also acknowledging that the landscape is changing, which may require schools to change sponsors.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

There was no public comment at either the workshop or the public hearing.

3. The number of persons who:

- a. Attended Workshop: 1; Hearing: 8
- b. Testified at Workshop: 0; Hearing: 0
- c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

There was no public comment at either the workshop or the public hearing.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

There was no public comment at either the workshop or the public hearing.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The State Board of Education adopted the proposed regulation language at the public hearing held on January 10, 2024. No changes were requested, so it was adopted without change.

7. The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:

There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public.

8. 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.

9. A description of any regulations of other state or government 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 governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are none.

11. 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.

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
JANUARY 10, 2024
2:00 PM**

| Office | Address | City | Room |
|-------------------------|----------------------|-------------|-------------------------|
| Department of Education | 2080 E. Flamingo Rd. | Las Vegas | Board Room |
| Department of Education | 700 E. Fifth St. | Carson City | Board Room |
| Department of Education | Virtual | Virtual | YouTube |

PUBLIC NOTICE

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. To provide public comment or testimony telephonically, dial (312) 584-2401 on the date of the meeting. When prompted, provide Meeting ID 324 939 7, and then press #. When prompted for a Participant ID, press # If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at [Nevada State Board of Education Meeting Material Webpage](#) (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

AGENDA

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND LAND ACKNOWLEDGEMENT

2. PUBLIC COMMENT #1

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. APPROVAL OF FLEXIBLE AGENDA (For Possible Action)

4. PRESIDENT’S REPORT

- Board Member Updates
- Report on Workforce Talent Pipeline Summit
- Nevada System of Higher Education (NSHE) Updates

5. SUPERINTENDENT’S REPORT

- Introduction of New Staff Members
- Listening Tour
- Acing Accountability

6. CONSENT AGENDA *(For Possible Action)*

Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.

- a. Possible Approval of Private School Consent Agenda, January, 2024
- b. Possible Approval of Dual Credit Request for Leadership Academy of Nevada in Partnership with Truckee Meadows Community College
- c. Possible Approval of the State funding for Career and Technical Education Report of State and Local Activities and Expenditures for Fiscal Year 2023
- d. Possible Approval of Minutes from July 26, 2023, State Board of Education Meeting
- e. Possible Approval of Minutes from October 4, 2023, State Board of Education Meeting
- f. Possible Approval of Minutes from November 1, 2023, State Board of Education Meeting
- g. Possible Approval of an Adjustment to the 2024 State Board of Education Meeting Calendar

7. INFORMATION, DISCUSSION AND POSSIBLE ACTION REGARDING IMPLEMENTATION AND PERCENTILE SCORES FOR THE READ BY GRADE 3 PROGRAM

(Information/Discussion/Possible Action)

The Board will hear a presentation and take possible action regarding the implementation of Read by Grade 3. The presentation will include an overview of the Read by Grade 3 program and the indicator that is used to identify the need for individual student retention and intervention plans.

- Dr. Kevin Marie Laxalt, Education Programs Professional, Nevada Department of Education
- Joan Jackson, Education Programs Professional, Nevada Department of Education
- Mandy Leytham, Education Programs Professional, Nevada Department of Education
- Melody Thompson, Nationally Certified School Psychologist

8. INFORMATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE HIGH SCHOOL START TIME REGULATION *(Information/Discussion/Possible Action)*

The Board will hold discussion and take possible action to withdraw the draft regulatory language regarding high school start times.

- Felicia Ortiz, President, Nevada State Board of Education

9. INFORMATION AND DISCUSSION REGARDING THE GUINN CENTER PHASE 3 REPORT
(Information/Discussion)

The Board will receive a presentation on the Guinn Center Phase 3 report on school funding as required by the Commission on School Funding. The report examines national education rankings and disparities in their assessment of Nevada’s K-12 education system compared to other states.

- Todd Butterworth, Senior Education Researcher, Guinn Center

10. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING UPDATING STATE BOARD OF EDUCATION GOALS *(Information/Discussion)*

The Board will discuss and explore potential action to update the goals of the State Board of Education.

- Felicia Ortiz, President, Nevada State Board of Education

11. INFORMATION AND DISCUSSION REGARDING THE SUPPORTS PROVIDED BY THE REGIONAL PROFESSIONAL DEVELOPMENT PROGRAMS *(Information/Discussion)*

The Board will hear a presentation from the State’s Regional Professional Development Programs regarding their 2022-2023 Annual Report related to their regional projects and the support provided to the teachers and administrators in each region.

- Dr. Chelli Smith, Director of Southern Nevada Professional Development Program
- Ben Dickson, Director of Northwest Nevada Professional Development Program
- Annie Hicks, Director of Northeastern Nevada Professional Development Program

12. 4:00 P.M. PUBLIC HEARING TO SOLICIT COMMENTS ON PROPOSED REGULATION R073-23P AMENDING NAC 388A.300 AND NAC 388A.231. RELATING TO THE CHANGE IN SPONSORSHIP OF A CHARTER SCHOOL *(Information/Discussion/Possible Action)*

The Board will consider the proposed regulation revising the sponsorship of a charter school. The Board will take action to adopt or not adopt this proposed regulation.

- Dr. Katherine Broughton, Director of Authorizing, Nevada State Sponsored Charter School Authority

13. FUTURE AGENDA ITEMS *(Information/Discussion)*

- State Sponsored Charter School Authority presentation on performance outcomes
- Literacy Implementation and the Science of Reading
- Reporting requirements for Local Education Agencies
- Board Calendar

14. PUBLIC COMMENT #2

Public comment will be taken during this agenda item on any matter within the State Board’s jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

15. ADJOURNMENT

Joe Lombardo
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Jhone M. Ebert
Superintendent of
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January 10, 2024

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 #R073-23

The Nevada State Board of Education will hold a public hearing at **4:00 P.M. on Wednesday, January 10, 2024** 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 388A of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute 385.080 and 388A.231.

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:** 1. This regulation is necessary to authorize a proposed sponsor to approve a request for a change in sponsorship if (1) The charter school is in sound financial condition; (2) the charter school agrees to enter into a charter contract with the new sponsor; or (3) the request for a change in sponsorship is approved by the current sponsor of the charter school, regardless of the last rating of the charter school.
- 2. Description of the proposed regulation, or the subjects and issues involved:** 2. The propose regulation revises the conditions under which a governing body of a charter school is authorized to request a change in the sponsorship of the charter school.
- 3.** The revised text of the proposed regulation is attached to this notice.
- 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 or 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 [Nevada Department of Education webpage](#), by contacting the State Board of Education, Nevada Department of Education, via email at NVBoardED@doe.nv.gov by telephone at (775)687-9224 or in person at the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Persons wishing to comment upon the proposed action of the State Board of Education may provide in-person testimony, submit written comment to the State Board of Education via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the State Board of Education, Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. 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 July 6, 2022. A record of all submitted comments will be retained, and the State Board of Education 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 State Board 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.

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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, September 21, 2023**, via [YouTube](#) 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:

1:05 P.M Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388A.300 Request for Change in Sponsorship of Charter School.

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 **Thursday, September 20, 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.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: August 28, 2023

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388A.300.

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 change in sponsorship of charter school 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,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Jhone M. Ebert
Superintendent of Public Instruction