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Governor

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## STATE BOARD OF EDUCATION

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August 15, 2024

### Legislative Review of Adopted Regulations as Required by NRS 233B.066 LCB File #R092-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 389:

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

This proposed amended regulation was originally adopted in 1982 and last amended in 1987, so it needs updating to reflect our State's current educational landscape and to better meet the needs of our students. The proposed amendments would provide more clarity, consistency, and support to school districts and charter schools in how it shall be implemented. The amended regulation would open additional academic opportunities for students who are granted exemptions by allowing them to take additional elective courses and allowing them to pursue other educational goals. Currently as written, NDE would need to review each application and the Superintendent of Public Instruction must provide written approval before an exemption can be granted; given how many students and programs there are throughout our State, the Department would be inundated thousands of applications each year. Being inclusive of charter schools was important as well and the proposed amendments reflect that.

#### 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.

A copy of the summary of public responses to the proposed regulation may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or [alicia.briancon@doe.nv.gov](mailto:alicia.briancon@doe.nv.gov).

#### 3. The number of persons who (a) attended each workshop, (b) testified at each workshop, (c) submitted to the agency written comments:

Workshop held on February 9, 2024

- Number in attendance: 2
- Number testifying: 0
- Written statements submitted: 0

Workshop held on April 22, 2024

- Number in attendance: 3

- Number testifying: 0
- Written statements submitted: 0

Hearing held on July 31, 2024

- Number in attendance: 4
- Number testifying: 0
- Written statements submitted: 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.**

**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 is no summary because there were no responses and that is why there are no summary of responses available.

**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 regulation was adopted with changes at the SBE hearing on 7-31-24. To ensure the amended language is as clear and concise as possible, those DAG-approved changes are outlined below:

- The first change would be the consolidation of the list of competitive sports and activities. The reason behind this change is to avoid the redundancy of having two lists and to ensure the language is concise and easy to comprehend.
- The second change includes adding the word competitive before “club activities or sports” and before “individual activity or sport”. This is to ensure students are involved in a program that is rigorous and would typically require a coach, supervisor, or trainer.
- The final change includes adding the regulatory phrase “an exemption of” before the terms “one credit in physical education”. Without including “an exemption of”, folks may interpret that as students being able to receive a credit which is not the intention of this regulation.

**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. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to 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  
July 31, 2024  
9:00 AM**

<b>Office</b>	<b>Address</b>	<b>City</b>	<b>Meeting Room</b>
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	<a href="#">YouTube Link</a>

**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 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](mailto: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](mailto: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](http://notice.nv.gov), the Nevada Department of Education website, [doe.nv.gov](http://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](mailto: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 the 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
- School Year 2024-2025
- Educator Celebration
- Nevada System of Higher Education (NSHE) Updates

#### 5. **Superintendent's Report**

- Nevada Department of Education Updates
- UNR Summer Literacy Institute
- Portrait of a Nevada Learner
- Early Childhood Grants

#### 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 New Licenses and Renewals
- b. Possible Approval of Proposed K – 12 Computer Science Instructional Materials Appeals 2024
- c. Possible Approval of Proposed K – 12 Mathematics Instructional Materials Appeals 2024
- d. Possible Approval of Proposed K – 12 Health Instructional Materials Appeals 2024
- e. Possible Approval of Dual Credit Request: Clark County School District, in partnership with University of Nevada, Las Vegas
- f. Possible Approval of Dual Credit Request: Nevada State High School, in partnership with the College of Southern Nevada, Great Basin College, Truckee Meadows Community College, Western Nevada College, the University of Nevada Las Vegas, and the University of Nevada Reno
- g. Possible Approval of Commission on Professional Standard in Education Regulation R012-24P
- h. Possible Approval of Commission on Professional Standard in Education Regulation R008-24P
- i. Possible Approval of Nevada State Assessment System
- j. Possible Approval of June 12, 2024, Board Minutes
- k. Possible Approval of the High School Start Time Survey

#### 7. **Information and Discussion Regarding the Nevada Secretary of State's Student Mock Elections** (*Information and Discussion*)

The Board will hear a presentation from the Deputy Secretary for Elections regarding the student mock elections program available for teachers and school districts to promote civic involvement for our youth.

- Francisco V. Aguilar, Nevada Secretary of State
- Mark Wlaschin, Nevada Deputy Secretary of State for Elections
- Andrew Cirincione, Representative from the Youth Advisory Task Force

#### 8. **9:30 AM Public Hearing to Solicit Comments on Proposed Regulation R099-23P Relating to the Adult and Regular High School Diploma** (*Information, Discussion, and for Possible Action*)

The Board will consider the proposed regulation revising certain eligibility and course requirements for graduation from public high school.

- Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

#### 9. **10:00 AM Public Hearing to Solicit Comments on Proposed Regulation R050-24P related to the identification of pupils for placement in more rigorous coursework** (*Information, Discussion, and for Possible Action*)

The Board will consider the proposed regulation related to requiring each public school to carry out a plan to identify pupils in grades 3 through 12 for placement in rigorous coursework in mathematics, English language arts, science, and social studies.

- Cindi Chang, Director, Office of Teaching and Learning

**10. 10:02 AM Public Hearing to Solicit Comments on Proposed Regulation R131-22P Prescribing Requirements Relating to Planning and Monitoring the Education of Certain Children Who Are Admitted to a Facility Which Provides Residential Treatment for Mental Illness** (*Information, Discussion, and for Possible Action*)

The Board will consider the proposed regulation prescribing requirements around monitoring the education of children admitted to a residential treatment facility.

- Christy McGill, Deputy Superintendent, Educator Effectiveness and Family Engagement

**11. 10:04 AM Public Hearing to Solicit Comments on Proposed Regulation R092-24 Pursuant to the change NRS 389.160 Amending NAC 389.488** (*Information, Discussion, and for Possible Action*)

The Board will consider amending the proposed regulation to allow high school students to receive an exemption of one credit of physical education for a competitive individual or group activity or sport.

- Cindi Chang, Director, Office of Teaching and Learning

**12. Information and Discussion Regarding the Mechanism for Rural Support** (*Information and Discussion*)

The board will hear a presentation discussing the various assistance offered by multiple offices within the Department of Education and how those aid mechanisms are aimed at supporting teaching and learning in rural school districts.

- Christopher McAnany, Interim Director, Office for Student and School Supports
- Julie Bowers, Director, Office of Inclusive Education
- Kevin Higley, Director, Office of a Safe and Respectful Learning Environment

**13. Information and Discussion Regarding the Teacher Exit/Transfer Survey** (*Information and Discussion*)

The Board will hear a presentation providing an overview of the educator survey project including information about the Teacher Exit/Transfer Survey relative to participation, response rates, and a general overview of the responses. Additionally, the Board will receive an update on the status of the Working Conditions Survey being piloted in July.

- Kathleen Galland-Collins, Assistant Director, Office of Educator Development, Licensure, and Family Engagement

**14. Future Agenda Items** (*Information and Discussion*)

- Successful outcomes achieved by the State Board of Education
- Commission on School Funding Tracking
- Dual Credit Programs by NSHE
- Emergency Special Education license
- Proposed Changes to the Developmental Delay Age Requirements
- Read By Grade 3

**15. 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 the 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.*

**16. Adjournment**

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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 **Monday, April 22, 2024** is [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:

**3:11 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 389.488 — To Make Changes to the Language Concerning Exemption and Credit Options for Physical Education.**

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](mailto: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](mailto: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 **Friday, April 19, 2024.**

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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**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, **Friday, February 9<sup>th</sup>, 2024** 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:

**1:25 P.M Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.488 – Exemption and credit options for physical education.**

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](mailto: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](mailto: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, February 8<sup>th</sup>, 2024.

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.