

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R026-01

Effective November 1, 2001

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

AUTHORITY: §§1-9, NRS 385.080 and 390.140.

Section 1. Chapter 390 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *As used in NAC 390.010 to 390.070, inclusive, and section 3 of this regulation, unless the context otherwise requires, “electronic media” means any electronic medium that is used as the primary basis of instruction pursuant to which information is conveyed to a pupil or that otherwise contributes to the learning process, including, without limitation:*

- 1. Computers, whether stationary or portable, and the hardware and software necessary for the operation of those computers;*
- 2. Interactive videodiscs or other optical discs;*
- 3. Magnetic media, including, without limitation, computer disks, audiotape and videotape; and*
- 4. Services pursuant to which a subscriber may access the Internet or use an electronic mail address, or both.*

Sec. 3. *1. A school district shall notify the department of education of its intent to use electronic media as the primary basis of instruction.*

2. In addition to the duties set forth in NAC 390.020, a committee established pursuant to NAC 390.010 shall review electronic media and submit to the department of education in the form prescribed by the department an evaluation of any electronic media being selected for use as the primary basis of instruction. The evaluation must include:

(a) A comparison of the electronic media with the courses of study offered in this state and the goals and objectives of the school district that the committee is representing.

(b) A summary of the organization and presentation of the information contained in the electronic media.

(c) A statement of the quality of production of the electronic media.

(d) An analysis of the accuracy of the information contained in the electronic media.

(e) A statement of the appropriateness of the information contained in the electronic media.

(f) An analysis of the ability of the electronic media to stimulate interest in pupils.

(g) A reasonable assurance that the electronic media complies with the requirements of subsection 2 of NRS 390.140.

(h) A list of the times and locations that parents of pupils enrolled in the school district and other members of the community were afforded an opportunity to review the electronic media and to submit written comments to the committee before the final recommendations were made.

Sec. 4. NAC 390.010 is hereby amended to read as follows:

390.010 The superintendent of a school district must appoint a committee to evaluate and recommend textbooks *and electronic media* to be used in public schools before the district may

forward any such recommendations to the state board of education for adoption. The committee must consist of:

1. A teacher or teachers who are licensed to teach:
 - (a) The subject areas of the textbooks *or electronic media* being considered if the textbooks *or electronic media* are for use in secondary grades; or
 - (b) Elementary education if the textbooks *or electronic media* being considered are for use in elementary grades;
2. An administrator or a specialist in curriculum who is employed by the school district;
3. A parent of a pupil who is enrolled in the school district; and
4. Any other member or members the superintendent deems necessary to serve on the committee.

Sec. 5. NAC 390.030 is hereby amended to read as follows:

390.030 If a textbook *or electronic media* adopted by the state board of education has not been evaluated by a committee appointed by the superintendent of a local school district pursuant to NAC 390.010, the superintendent of that school district shall afford the parents of pupils enrolled in the district and other members of the community an opportunity to review the textbook *or electronic media* and submit written comments to the school district.

Sec. 6. NAC 390.040 is hereby amended to read as follows:

390.040 1. A recommendation for the adoption of a textbook *or electronic media* must be submitted to the department of education in December, March or April to be considered by the state board of education. The state board may grant exceptions to this requirement if a school district can demonstrate compelling circumstances why the recommendation was not submitted

in December, March or April. Recommendations submitted after June 30 will not be considered by the state board.

2. The department of education may delay the consideration of a recommendation for the adoption of a textbook *or electronic media* if it finds that any of the information required by NAC 390.020 *or section 3 of this regulation, as applicable*, is incorrect or inaccurate.

Sec. 7. NAC 390.050 is hereby amended to read as follows:

390.050 A textbook *and electronic media* will be adopted for use in public schools according to the schedule for adoption prescribed by the department of education, unless the state board of education grants an exception to this requirement.

Sec. 8. NAC 390.060 is hereby amended to read as follows:

390.060 A textbook *or electronic media* may be used on an experimental basis by a school district for not more than 1 year before the textbook *or electronic media* is given a final evaluation. A request to use a textbook *or electronic media* in this manner must be submitted to the department of education in the form prescribed by the department.

Sec. 9. NAC 390.070 is hereby amended to read as follows:

390.070 A revision of an adopted textbook *or electronic media* may be used by a school district if the revision does not add to, subtract from or change the areas of content in the textbook ~~or~~ *or electronic media*. The period during which the revised textbook *or electronic media* may be used is the same as the period of use for the textbook *or electronic media* in its original form. A school district shall notify the department of education of its intent to use a revised edition of an approved textbook *or electronic media* before purchasing the revised edition.

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**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 390, Textbooks – Electronic Media (LCB File R026-01)**

SEC INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 390:

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

The Notice of Intent to Act Upon a Regulation for public hearing for Board adoption of temporary regulation language was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted on October 6, 2001, to provide the opportunity for comments by affected parties and the public. There were no public comments. The Board adopted the permanent language without revision.

- 2. The Number of Persons Who:**

a) Attended Each Hearing: Hearing: 19

b) Testified at Each Hearing; Hearing: 0

and,

c) Submitted Written Statements: Hearing: 0

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comment was solicited through the public hearing notice of August 28, 2001. There were no comments from the public at the public hearing held October 6, 2001.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The permanent regulation language was adopted by the State Board of Education at the public hearing held October 6, 2001, without revision.

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

There is no economic effect on the business which is regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. 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.

7. 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 government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

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

There are none.

9. 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 or involve a new fee.

10/9/01