

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

**LCB File No. R109-15**

Effective November 2, 2016

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

AUTHORITY: §§1-3, section 4.2 of Senate Bill No. 92, chapter 541, Statutes of Nevada 2015, at page 3823 (NRS 388G.400).

A REGULATION relating to education; establishing the criteria and process for designating a public school as a turnaround school; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Education to adopt regulations to establish the criteria for designating an underperforming school as a turnaround school. (Section 4.2 of Senate Bill No. 92, chapter 541, Statutes of Nevada 2015, at page 3823 (NRS 388G.400)) **Section 2** of this regulation provides that a public school is eligible for designation as a turnaround school if: (1) the public school is eligible for conversion to an achievement charter school and is not selected for conversion; or (2) the board of trustees of the school district in which the public school is located, the superintendent of the school district in which the public school is located or the principal of the public school has requested that the Department of Education consider designating the public school as a turnaround school.

Existing law authorizes the principal of a turnaround school to make all determinations for the school concerning hiring and the school's curriculum, schedule and instructional design. (Section 4.2 of Senate Bill No. 92, chapter 541, Statutes of Nevada 2015, at page 3823 (NRS 388G.400)) **Section 3** of this regulation authorizes the Department to require a third party or a school district to evaluate the ability of the principal of a public school that is eligible for designation as a turnaround school to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance at the school. **Section 3** also authorizes the Department to designate a public school as a turnaround school if it determines, as a result of the evaluation, that the principal of the public school has the ability to provide such leadership, with or without additional professional development.

**Section 1.** Chapter 388G of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

*Sec. 2. 1. A public school is eligible for designation as a turnaround school if:*

*(a) The public school is eligible, but is not selected, for conversion to an achievement charter school pursuant to subsection 1 of section 20 of Assembly Bill No. 448, chapter 539, Statutes of Nevada 2015, at page 3789 (NRS 388G.200); or*

*(b) The board of trustees of the school district in which the public school is located, the superintendent of the school district in which the public school is located or the principal of the public school has requested the Department to consider designating the public school as a turnaround school.*

*2. On or before January 15 of each year, the Department will publish a list of public schools that are eligible for designation as a turnaround school.*

*Sec. 3. 1. For any public school that is determined to be eligible for designation as a turnaround school pursuant to section 2 of this regulation, the Department may require the principal of the public school to be evaluated on his or her ability to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance at the school. The evaluation may be performed by:*

*(a) A third party that has been approved by the Department; or*

*(b) The school district in which the public school is located using a process that has been approved by the Department.*

*2. To the extent that money is available for this purpose, the Department may:*

*(a) Enter into a contract with a third party to perform an evaluation pursuant to subsection 1; or*

*(b) Provide a grant of money to a school district to perform an evaluation pursuant to subsection 1.*

*3. If the evaluator determines pursuant to subsection 1 that a principal does not have the ability to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance at the school, the evaluator may recommend any professional development that may assist the principal to develop such leadership skills.*

*4. The results of an evaluation conducted pursuant to this section must be received by the Department not later than 60 days after the Department publishes the list of public schools that are eligible for designation as a turnaround school pursuant to section 2 of this regulation. The Department will provide the results of the evaluation to the board of trustees of the school district in which the public school is located.*

*5. The Department may designate a public school as a turnaround school if it determines, as a result of the evaluation conducted pursuant to this section, that the principal of the public school has the ability to provide the leadership necessary to execute a turnaround plan with or without any professional development recommended pursuant to subsection 3.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066**  
**Informational Statement**  
**LCB File No. R109-15**

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

NRS 388g.400 (4) requires the State Board of Education to establish the criteria for designating an underperforming school as a turnaround school by regulation.

**2. 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.**

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on May 11, 2016: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

A summary may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225 or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

**3. The number of persons who:**

- (a) Attended each hearing: 78 Testified at each hearing; 1**
- (b) Submitted written comments: 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: (See Attached)**

- (a) Name:**
- (b) Telephone number;**
- (c) Business Address;**
- (d) Business telephone number;**
- (e) Electronic mail address;**
- (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 of how other interested persons may obtain a copy of the summary.**

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**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.**

A workshop was held on 8/27/15, and language was drafted by Eric Robbins, Legislative Counsel Bureau. When the NDE received the language dated 2/11/16 there were concerns that Section 3, subsection 1, did not meet the intent of the regulation. Lauren Hulse, Management Analyst III, Department of Education, worked with Eric Robbins on the language to make changes that matched the intent of the regulation.

Revisions were made to Section 3, and Eric Robbins drafted new language with the discussed changes dated 4/6/16. This language matched the intent of the regulation and a public hearing was held on 9/1/16. The regulation was adopted on with the 4/6/16 language because public comment did warrant further changes.

**7. The estimated economic effect of the regulation on the business which it is to regulate and on the public:**

**(a) Estimated economic effect on the businesses which they are to regulate**

None.

**(b) Estimated economic effect on the public which they are to regulate**

None

**8. The estimated cost to the agency for enforcement of the proposed regulation: None**

**9. A description of any regulations of other State of governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency. None.**

**10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. None.**

**11. Of the regulation provides a new fee or increases an existing fee, the total annual amount of the agency expects to collect and the manner in which the money will be used. None.**