

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

LCB File No. R126-15

Effective September 9, 2016

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

AUTHORITY: §§1-5, Section 2 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.730).

A REGULATION relating to education; providing certain requirements for a school to be eligible to be rated using an alternative performance framework; requiring an application for a school to be rated using an alternative performance framework to include certain information; providing for the discontinuation of rating a school using the alternative performance framework; prescribing the manner for measuring pupil achievement and school performance at a school that is approved to be rated using an alternative performance framework; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe an alternative performance framework so that certain schools serving certain populations of pupils may be evaluated using the alternative framework. (Section 2 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.730)) Existing law makes a school eligible to be rated using an alternative performance framework if the mission of the school is to serve pupils who fall within one of six categories and 75 percent of the pupils at the school fall within one or more of those categories. One of the categories is pupils who are “academically disadvantaged,” which is defined as including a pupil who has a “deficiency in the credits required to graduate on time.” (Section 3 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.740)) **Section 2** of this regulation interprets when such a deficiency in credits exists by specifying the deficient number of credits in each grade of high school.

Existing law requires a school that wishes to be rated using the alternative performance framework to request the board of trustees of the school district or the sponsor of the charter school, as applicable, to apply to the State Board for approval to be rated using the alternative performance framework. (Section 3 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.740)) **Section 3** of this regulation requires such an application to include certain information concerning pupils enrolled in the school.

Section 4 of this regulation requires the board of trustees of a school district in which a school that is approved to be rated using an alternative performance framework is located or the sponsor of a charter school that is approved to be rated using an alternative performance framework, as applicable, to notify the State Board if the school is no longer eligible or no longer wishes to be rated using an alternative performance framework. **Section 4** also: (1) provides that the State Board will continue to use the alternative performance framework to rate a school for which such notice is received until the next school year; (2) authorizes the State Board to require the board of trustees of a school district or the sponsor of a charter school, as applicable, to update the information included on the application to be rated using the alternative performance framework once every 4 years; and (3) requires a school that no longer qualifies or no longer wishes to be rated using the alternative performance framework to be evaluated using the previously established performance framework for the school during the next school year.

Section 5 of this regulation requires the Department of Education to: (1) establish a baseline level of achievement for each school that is approved to be rated using an alternative performance framework; and (2) measure pupil achievement and school performance using this baseline. **Section 5** also requires the Department to determine whether each school that is approved to be rated using an alternative performance framework is making reasonable improvements toward meeting the performance targets established pursuant to the statewide system of accountability. Finally, **section 5** requires the results of certain examinations to be reported as a percentage of the performance targets established pursuant to the statewide system of accountability.

Section 1. Chapter 385 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *As used in section 3 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.740), the Department will interpret the term “deficiency in the credits required to graduate on time” to mean a pupil who, upon completion of:*

- 1. Ninth grade or two semesters of high school, has zero credits.*
- 2. Tenth grade or four semesters of high school, has five or fewer credits.*
- 3. Eleventh grade or six semesters of high school, has 11 or fewer credits.*
- 4. Twelfth grade or eight semesters of high school, has 17 or fewer credits.*

Sec. 3. *1. The board of trustees of a school district or the sponsor of a charter school that applies to have a school within the district or the charter school, as applicable, rated by*

the State Board using an alternative performance framework must submit with its application a record of:

- (a) The total number of pupils enrolled in the school; and*
- (b) The total number of pupils enrolled in the school who fall within one or more of the categories set forth in paragraph (a) of subsection 3 of section 3 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.740).*

2. In determining the total number of pupils for purposes of paragraph (b) of subsection 1, a school may only count a pupil one time even if the pupil falls within more than one category.

Sec. 4. *1. The board of trustees of a school district in which a public school has been approved by the State Board to be rated using an alternative performance framework or the sponsor of a charter school that has been approved to be rated using an alternative performance framework, as applicable, must notify the State Board if:*

(a) The school no longer meets the requirements for eligibility to be rated using the alternative performance framework set forth in subsection 3 of section 3 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.740); or

(b) The school no longer wishes to be rated using an alternative performance framework.

2. The State Board will continue to use the alternative performance framework to rate a school for which notice is received pursuant to subsection 1, or for which the State Board determines no longer meets the requirements to be rated using the alternative performance framework set forth in subsection 3 of section 3 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.740), until the next school year.

3. After a school has been rated using the alternative performance framework for 4 years, the State Board may require the board of trustees of the school district or the sponsor of the charter school, as applicable, to update the information that was included on the application that was submitted to be rated using the alternative performance framework pursuant to subsection 1 of section 3 of this regulation to verify whether the school continues to meet the requirements for eligibility to be rated using the alternative performance framework.

4. A school that no longer qualifies or no longer wishes to be rated using the alternative performance framework must be rated during the next school year using the performance framework for the school that was used before it was rated using the alternative performance framework.

Sec. 5. 1. *For each school that is approved by the State Board to be rated using an alternative performance framework pursuant to section 3 of Senate Bill No. 460, chapter 429, Statutes of Nevada 2015, at page 2458 (NRS 385A.740), the Department will:*

(a) As soon as sufficient data is available, establish a baseline level of achievement in categories selected by the Department against which pupil achievement and school performance will be rated each year for the school. Such categories may include, without limitation:

(1) Results of pupils enrolled at the school on the examinations administered pursuant to NRS 389.550, as amended by section 13 of Senate Bill No. 25, chapter 371, Statutes of Nevada 2015 at page 2098, and section 1 of Senate Bill No. 75, chapter 228, Statutes of Nevada 2015, at page 1083, and NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807;

(2) The rate of attendance of pupils;

- (3) The number of credits completed by each pupil each year;*
 - (4) Graduation rates;*
 - (5) Results from a survey concerning the culture of the school;*
 - (6) Information on the discipline of pupils at the school, including, without limitation, records of suspensions or expulsions of pupils; and*
 - (7) The progress in meeting the objectives and goals described in the individualized education program of pupils at the school.*
- (b) As soon as practicable, measure the pupil achievement and school performance for the school by comparing the results in the categories selected pursuant to subparagraphs (1) to (7), inclusive, of paragraph (a) for the current school year with those of the immediately preceding school year.*
- (c) Determine whether the school is making reasonable improvement toward meeting performance targets established pursuant to the statewide system of accountability for public schools.*
- 2. Results of pupils on the examinations administered pursuant to NRS 389.550, as amended by section 13 of Senate Bill No. 25, chapter 371, Statutes of Nevada 2015, at page 2098, and section 1 of Senate Bill No. 75, chapter 228, Statutes of Nevada 2015, at page 1083, and NRS 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807 must be reported as a percentage of the performance targets established pursuant to the statewide system of accountability.*

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066
Informational Statement
LCB File No. R126-15

- 1. A clear and concise explanation of the need for the adopted regulation:** S.B. 460 section 2 requires the State Board of Education to adopt regulations that prescribe an alternative performance framework to evaluate public schools that are approved pursuant to section 3 of S.B. 460. The regulation describes in the manner in which the progress of students enrolled in a public school for which an alternative performance framework has been approved will be accounted for and the manner in which the school will be accounted for within the statewide system of accountability.

- 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: 45**
- (b) Testified at each hearing; 0**
- (c) 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:**

- (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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Library and Archives, the Department of Education website and the Legislative Council Bureau website.

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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.** Please see attached changes to proposed language.
- 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.