

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R126-15

February 16, 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.

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) 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) **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) **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 meeting the annual measurable objectives and 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 annual measurable objectives and 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, the Department will interpret the term “deficiency in the credits required to graduate on time” to mean a pupil who, at the end of:*

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

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; 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, 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 included on the application 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 in the next school year using the previously established performance framework for the school.

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, 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 at page 2098, and section 1 of Senate Bill No. 75, chapter 228, Statutes of Nevada 2015, at page 1083, NRS 389.805 and 389.807, as applicable;

(2) Rate of attendance of pupils;

(3) Number of credits completed by each pupil each year;

(4) Rate of graduation;

(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) 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 previous school years.

(c) Determine, pursuant to NRS 385.3613, whether the school is meeting the annual measurable objectives and 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, at page 2098, and section 1 of Senate Bill No. 75, chapter 228, Statutes of Nevada 2015, at page 1083, NRS 389.805 or 389.807, as applicable, must be reported as a percentage of the annual measurable objectives and performance targets established pursuant to the statewide system of accountability.