

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

LCB File No. R027-09

Effective October 27, 2009

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

AUTHORITY: §1, NRS 385.080, 385.361, 385.3611 and 385.366; §2, NRS 385.080, 385.361, 385.3611 and 385.3771.

A REGULATION relating to education; revising provisions relating to the designation of public schools and school districts as demonstrating exemplary achievement; and providing other matters properly relating thereto.

Section 1. NAC 385.558 is hereby amended to read as follows:

385.558 1. A public school must be designated as demonstrating exemplary achievement pursuant to NRS 385.366 if : ~~[the:]~~

(a) ~~[School]~~ *The school* makes adequate yearly progress for the current school year;

(b) ~~[School]~~ *The school* is not designated as demonstrating need for improvement;

(c) ~~[Percentage]~~ *The percentage* of pupils in each ~~[subgroup]~~ *group identified in paragraph (b) of subsection 1 of NRS 385.361 who are* enrolled in the school *and* who score at or above the level of proficiency in English language arts and mathematics is significantly greater than the annual measurable objectives in those content areas; and

(d) ~~[Percentage]~~ *In addition to the requirements of paragraphs (a), (b) and (c):*

(1) For a school that was not designated as demonstrating exemplary achievement for the previous school year, the percentage of pupils enrolled in the school who score below the

level of proficiency in English language arts and mathematics has decreased by significantly more than 10 percent from the previous school year **[.]; or**

(2) For a school that was designated as demonstrating exemplary achievement for the previous school year, the percentage of pupils enrolled in the school who score below the level of proficiency in English language arts and mathematics is not significantly different from the percentage of pupils enrolled in the school who scored below the level of proficiency in those subject areas in the previous school year.

2. A public school must be designated as demonstrating high achievement pursuant to NRS 385.366 if the:

- (a) School makes adequate yearly progress for the current school year;
- (b) School is not designated as demonstrating need for improvement; and
- (c) Percentage of pupils:

(1) In each **[subgroup]** *group identified in paragraph (b) of subsection 1 of NRS 385.361 who are* enrolled in the school *and* who score at or above the level of proficiency in English language arts and mathematics is significantly greater than the annual measurable objectives in those content areas; or

(2) For the school as a whole who score below the level of proficiency in English language arts and mathematics has decreased by significantly more than 10 percent from the previous school year.

3. A public school must be designated as demonstrating adequate achievement pursuant to NRS 385.366 if the school:

- (a) Makes adequate yearly progress for the current school year; and

(b) Is not designated as demonstrating exemplary achievement, high achievement or need for improvement.

4. A public school must be designated as demonstrating need for improvement pursuant to NRS 385.366 if the school:

(a) Fails to make adequate yearly progress in:

(1) English language arts for 2 consecutive school years;

(2) Mathematics for 2 consecutive school years; or

(3) The rate of attendance or the rate of graduation, as applicable, for 2 consecutive school years; or

(b) Makes adequate yearly progress for the current school year, but was designated as demonstrating need for improvement pursuant to paragraph (a) in the immediately preceding school year for failing to make adequate yearly progress.

5. In addition to the designation of a public school pursuant to subsection 1, 2, 3 or 4, as applicable, the Department may recognize a public school as demonstrating significant improvement if the school:

(a) As a whole demonstrates significant movement of pupils into higher achievement levels in English language arts and mathematics; and

(b) Does not show a decline in the percentage of pupils that score at or above proficiency among any of the ~~[subgroups.]~~ *groups identified in paragraph (b) of subsection 1 of NRS 385.361.*

6. For the purposes of this section, the Department shall for each school year:

(a) Establish:

(1) Adequate yearly progress;

- (2) Annual measurable objectives;
- (3) Higher achievement levels;
- (4) Level of proficiency;
- (5) *Not significantly different*;
- (6) Significant movement;
- ~~[(6)]~~ (7) Significantly greater; and
- ~~[(7)]~~ (8) Significantly more.

(b) Provide written notice to each school district of the information established pursuant to paragraph (a) and, upon request, provide written notice of that information to a member of the general public.

↪ Each school district shall ensure that the public schools within the school district are adequately informed of the information established pursuant to paragraph (a) for each school year.

Sec. 2. NAC 385.568 is hereby amended to read as follows:

385.568 1. A school district must be designated as demonstrating exemplary achievement pursuant to NRS 385.3771 if : ~~the:~~

- (a) ~~[School]~~ *The school* district makes adequate yearly progress for the current school year;
- (b) ~~[School]~~ *The school* district is not designated as demonstrating need for improvement;
- (c) ~~[Percentage]~~ *The percentage* of pupils in each ~~[subgroup]~~ *group identified in paragraph (b) of subsection 1 of NRS 385.361 who are* enrolled in the school district *and* who score at or above the level of proficiency in English language arts and mathematics is significantly greater than the annual measurable objectives in those content areas; and
- (d) ~~[Percentage]~~ *In addition to the requirements of paragraphs (a), (b) and (c):*

*(1) For a school district that was not designated as demonstrating exemplary achievement for the previous school year, the percentage of pupils enrolled in the school district who score below the level of proficiency in English language arts and mathematics has decreased by significantly more than 10 percent from the previous school year **[H]**; or*

(2) For a school district that was designated as demonstrating exemplary achievement for the previous school year, the percentage of pupils enrolled in the school district who score below the level of proficiency in English language arts and mathematics is not significantly different from the percentage of pupils enrolled in the school district who scored below the level of proficiency in those subject areas in the previous school year.

2. A school district must be designated as demonstrating high achievement pursuant to NRS 385.3771 if the:

- (a) School district makes adequate yearly progress for the current school year;
- (b) School district is not designated as demonstrating need for improvement; and
- (c) Percentage of pupils:

(1) In each **[subgroup]** *group identified in paragraph (b) of subsection 1 of NRS 385.361 who are* enrolled in the school district *and* who score at or above the level of proficiency in English language arts and mathematics is significantly greater than the annual measurable objectives in those content areas; or

(2) For the school district as a whole who score below the level of proficiency in English language arts and mathematics has decreased by significantly more than 10 percent from the previous school year.

3. A school district must be designated as demonstrating adequate achievement pursuant to NRS 385.3771 if the school district:

- (a) Makes adequate yearly progress for the current school year; and
- (b) Is not designated as demonstrating exemplary achievement, high achievement or need for improvement.

4. A school district must be designated as demonstrating need for improvement pursuant to NRS 385.3771 if the school district:

- (a) Fails to make adequate yearly progress in:
 - (1) English language arts for 2 consecutive school years;
 - (2) Mathematics for 2 consecutive school years; or
 - (3) The rate of attendance or the rate of graduation, as applicable, for 2 consecutive school years; or
- (b) Makes adequate yearly progress for the current school year, but was designated as demonstrating need for improvement pursuant to paragraph (a) in the immediately preceding school year for failing to make adequate yearly progress.

5. In addition to the designation of a school district pursuant to subsection 1, 2, 3 or 4, as applicable, the Department may recognize a school district as demonstrating significant improvement if the school district:

- (a) As a whole demonstrates significant movement of pupils into higher achievement levels in English language arts and mathematics; and
- (b) Does not show a decline in the percentage of pupils that score at or above proficiency among any of the ~~[subgroups.]~~ *groups identified in paragraph (b) of subsection 1 of NRS 385.361.*

6. For the purposes of this section, the Department shall for each school year:

- (a) Establish:

- (1) Adequate yearly progress;
- (2) Annual measurable objectives;
- (3) Higher achievement levels;
- (4) Level of proficiency;
- (5) *Not significantly different*;
- (6) Significant movement;
- ~~[(6)]~~ (7) Significantly greater; and
- ~~[(7)]~~ (8) Significantly more.

(b) Provide written notice to each school district of the information established pursuant to paragraph (a) and, upon request, provide written notice of that information to a member of the general public.

↳ Each school district shall ensure that the public schools within the school district are adequately informed of the information established pursuant to paragraph (a) for each school year.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R027-09**

The State Board of Education adopted regulations which pertain to chapter 385 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 385.558 and 385.568:

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on October 8, 2009. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments to R027-09 NAC 385.558 and 385.568 – Procedure and Requirements for Review of Applications and approval of Courses; Provisional and Final Approval; Expiration and Renewal of Approval; Review of Course; Annual Reports by School District; Fee. Public hearing was conducted on October 9, 2009 to provide the opportunity for comments by affected parties and the public. There was no public comment. The State Board of Education adopted the proposed amendments to the regulations.

2. The Number of Persons Who:

a) Attended Each Hearing: First Workshop: 14; First Hearing: 15; Second Hearing: N/A
b) Testified at Each Hearing: First Workshop: 0; First Hearing: 0; Second Hearing: N/A
c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing:

N/A

A copy of any written comments 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. A description of how comments were solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comments were solicited through the workshop notice of September 8, 2009; and a public hearing notice of September 8, 2009. At the October 8, 2009 Workshop to Solicit

Comments, there was no public comment to the proposed amendments to the regulation language. At the October 9, 2009 public hearing there were no public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop comments:

There were no comments.

Public Hearing comments:

There were no public hearing comments.

A copy of the summary and/or minutes of the public hearing 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 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 Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing held October 9, 2009. The reason for adopting the amendments is that NRS 385.366 requires the recognition of schools demonstrating exemplary achievement. The proposed change reflects the recognition of schools who have achieved the exemplary designation and who maintain high performance on the state assessments, but for whom the qualification of a 10% reduction of non-proficient students is not likely once high levels of improvement are in place. The added language will permit such high performing schools to continue to be recognized as exemplary.

5. The estimated economic effect of the adopted regulation on the business that 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 Department of Education. There is no economic effect on the public or the business it regulates and the changes are beneficial to the university systems.

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 governmental 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.

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 for a new fee or increase an existing fee.