

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

LCB File No. R032-13

Effective October 23, 2013

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

AUTHORITY: §1, NRS 385.080 and 390.140.

A REGULATION relating to education; revising provisions relating to recommendations for the adoption of textbooks or electronic media; and providing other matters properly relating thereto.

Section 1. 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]~~ *compliance with the policies of the Department*, 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 390.025, as applicable, is incorrect or inaccurate.

NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB File No. R032-13

Proposed Amendments to NAC 390.040 to; Recommendations for adoption of textbooks or electronic media: time for submissions; effect for incorrect or inaccurate evaluation.

INFORMATIONAL STATEMENT

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

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

The need for adopting the regulation is to amend the dates that textbook/instructional materials or electronic media to be submitted to the State Board of Education for approval. The amendments to the language will promote a seamless evaluation system for textbook/instructional materials or electronic media.

2. Description of how public comment was solicited, a summary of public response, and explanation of 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 September 4, 2013; with public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of amended NAC 390.040; recommendations for adoption of textbooks or electronic media was sent to approximately 200 individuals and educational organization. A public hearing was conducted on October 4, 2013 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 amended regulation.

Summary of Comments:

Workshop comments:

- a) Kellie Crosby Sturtz, Chair of the Academic Standards Council, expressed support for the proposed PE Standards. The Academic Standards Council reviewed and discussed the standards at their recent meeting; and discussed the diversity component. Ms. Sturtz stated that she supports teaching diversity as that should not be the sole responsibility of PE teachers, and that is the only place it appeared in the standards; the Council supported the removal of that language in the standards.

- b) Alexandra Profant, from Incline Village, Nevada said Washoe County School District (WCSD) has exceptional opportunities for students to look at diversity within the scope of the supervised PE curriculum. Ms. Profant stated that her daughter studies ballet and through interaction with WCSD supervised curriculum was able to host different tracks with her in a professional and physical realm based on the supervised curriculum. Ms. Profant expressed her hope that this will not disappear with the standards and acknowledged there is diversity in the curriculum.
- c) Mary Pike stated that Clark County School District supports adopting the proposed PE standards.

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. Please see the attached comments.

3. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 66; First Hearing: 53
- b) Testified at Each Hearing: First Workshop: 3; First Hearing: 0;
- c) Submitted Written Statements: First Workshop: 0; Second Workshop: 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; and (f) name of entity or organization represented.

- (a) Kellie Crosby Sturtz, Chair of the Academic Standards Council;
- (b) Alexandra Profant, from Incline Village, Nevada; and
- (c) Mary Pike.

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

Comments were solicited through the workshop notice of August 13, 2013, and a public hearing notice of September 3, 2013. At the September 4, 2013 Workshop to Solicit Comments, there was three public comments to the proposed regulation. At the September 4, 2013 public hearing there was no public comment to the proposed regulation.

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.

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.

The Nevada State Board of Education adopted the proposed regulation language at the public hearing held October 4, 2013. The comments received were in support of the proposed regulation without further amendments.

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 business which they are to regulate.

There is no economic effect on the business it regulates.

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

There is no economic effect on the public

8. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other State or governmental agencies which the proposed regulation overlaps or 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.

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.

There is no federal law affecting the proposed regulations.

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

The regulation does not include provisions that are more stringent than federal regulation.

11. 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.