

PROPOSED REGULATION OF THE STATE BOARD OF EDUCATION

LCB File No. R034-14

State Board of Education
Proposed Regulation: Private School Employees

Authority: NRS 385.080 – State Board may adopt regulations for the execution of the powers and duties conferred upon it by law; see also chapter 365, Statutes of Nevada 2013.

NAC Chapter 385 related to the statewide system of accountability for school districts and schools is amended by deleting the following:

NAC 385.558 Designation of public school as demonstrating exemplary, high or adequate achievement or as needing improvement; recognition of public school as demonstrating significant improvement;

1. A public school must be designated as demonstrating exemplary achievement pursuant to NRS 385.366 if:

(a) The school makes adequate yearly progress for the current school year;

(b) The school is not designated as demonstrating need for improvement;

(c) The percentage of pupils in each 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) 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 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 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;
 - (7) Significantly greater; and
 - (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.

NAC 385.561 Recognition of school demonstrating exemplary or high achievement or significant improvement or which exceeds adequate yearly progress for 2 or more consecutive school years;

1. The Department, in cooperation with the appropriate school district, shall provide for the recognition of a school if the school:

(a) Receives a designation as demonstrating exemplary achievement or high achievement pursuant to NRS 385.3623 and NAC 385.558;

(b) Is recognized as demonstrating significant improvement pursuant to NAC 385.558; or

(c) Exceeds adequate yearly progress, as determined by the Department, for 2 or more consecutive school years.

2. Such recognition may include, without limitation:

(a) A press release issued by the Department to a newspaper that has general circulation in the community in which the school is located and to a newspaper that has general circulation in the county in which the school is located. The Department will make such a press release in the same school year as it provides written notice of the designations of the public schools in this State pursuant to NRS 385.366.

(b) A press release issued by the Department to the electronic media in the community in which the school is located and in the county in which the school is located. The Department will make such a press release in the same school year as it provides written notice of the designations of the public schools in this State pursuant to NRS 385.366.

(c) A plaque awarded in a ceremony at the school and during the school day, if practicable. The Superintendent of Public Instruction or his or her designee will attend the ceremony. Such a ceremony will occur within 60 days after the Department provides written notice of the designations of the public schools in this State pursuant to NRS 385.366.

3. In addition to the recognition provided for in subsection 2, if a school receives a designation as demonstrating exemplary achievement pursuant to NRS 385.3623 and NAC 385.558, the Department, in cooperation with the Governor, may send a letter of merit on its achievement. If issued, the Department will send such a letter within 60 days after the Department provides written notice of the designations of the public schools in this State pursuant to NRS 385.366.

NAC 385.568 Designation of school district as demonstrating exemplary, high or adequate achievement or as needing improvement; recognition of school district as demonstrating significant improvement;

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

(a) The school district makes adequate yearly progress for the current school year;

(b) The school district is not designated as demonstrating need for improvement;

(c) The percentage of pupils in each 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) 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; 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 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 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;
 - (7) Significantly greater; and

(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.

NAC 385.581 Designation of school, other than charter school, as demonstrating need for improvement for 3 consecutive years: Notice; comprehensive audit of school; proposal for implementation of corrective actions, consequences or sanctions;

1. Except as otherwise provided in NAC 385.584, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years, the board of trustees of the school district shall:

(a) Not later than 14 days before the beginning of the school year, provide notice of the designation pursuant to NRS 385.3721.

(b) Not later than May 31 of the school year, conduct the comprehensive audit required by NRS 385.3721, which must include, without limitation, an audit of the leadership of the public school.

(c) Develop a proposal, on a form prescribed by the Department, to implement one or more differentiated corrective actions, consequences or sanctions, or any combination thereof, in the following school year if the public school is designated as demonstrating need for improvement for a consecutive year. The proposal must, without limitation:

(1) Include a list of the differentiated corrective actions, consequences or sanctions, or any combination thereof, set forth in NAC 385.589 that the board of trustees of the school district will implement;

(2) Provide an analysis of the results of the comprehensive audit and any additional data that the board of trustees of the school district determines is relevant;

(3) Specify the data on which the proposal is based, including, without limitation, relevant data demonstrating trends, over a period of 3 to 5 years, in the achievement of pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are limited English proficient;

(4) State how the implementation of the differentiated corrective actions, consequences or sanctions, or any combination thereof, will affect the public school financially and affect the personnel of the public school;

(5) In addition to the actions taken by the Department to monitor the proposal pursuant to NRS 385.3745, designate a plan for the board of trustees of the school district to monitor and evaluate the proposal;

(6) Include any other information the board of trustees of the school district determines is relevant to the proposal; and

(7) Include a copy of the application for available funds to support the implementation of the differentiated corrective actions, consequences or sanctions, or any combination thereof, submitted pursuant to NAC 385.626.

2. Not later than June 30 of the school year in which the public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years, the

board of trustees of the school district shall submit to the Department the proposal developed pursuant to subsection 1.

3. Within 45 days after the Department receives the proposal submitted pursuant to subsection 2, the Department shall review the proposal and may:

(a) Approve and provide notice to the board of trustees of the school district that the proposal was approved; or

(b) Return the proposal to the board of trustees of the school district with its recommendations for revision.

4. If the Department returns the proposal pursuant to subsection 3, the board of trustees of the school district shall, within 20 days after the board of trustees receives the proposal, revise and resubmit the proposal to the Department.

5. Within 20 days after the Department receives the revised proposal submitted pursuant to subsection 4, the Department shall review and approve the proposal. If the board of trustees of the school district failed to include in the revised proposal the recommendations for revision of the Department, the Department may include such revisions in the approved proposal.

6. The Department may grant an extension of time to the board of trustees of a school district to comply with the provisions of this section.

NAC 385.584 Designation of charter school as demonstrating need for improvement for 3 consecutive years: Notice; comprehensive audit of school; proposal for implementation of corrective actions, consequences or sanctions;

1. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The governing body of the charter school shall, not later than 14 days before the beginning of the school year, provide notice of the designation pursuant to NRS 385.3721.

(b) For a charter school sponsored by the board of trustees of a school district:

(1) The governing body of the charter school shall, not later than May 31 of the school year, conduct the comprehensive audit required by NRS 385.3721, which must include, without limitation, an audit of the leadership of the charter school.

(2) The board of trustees of the school district shall, in conjunction with the governing body of the charter school, develop a proposal, on a form prescribed by the Department, to implement one or more differentiated corrective actions, consequences or sanctions, or any combination thereof, in the following school year if the charter school is designated as demonstrating need for improvement for a consecutive year. The proposal must, without limitation:

(I) Include a list of the differentiated corrective actions, consequences or sanctions, or any combination thereof, set forth in NAC 385.589 that the board of trustees of the school district will implement;

(II) Provide an analysis of the results of the comprehensive audit and any additional data that the board of trustees of the school district determines is relevant;

(III) Specify the data on which the proposal is based, including, without limitation, the relevant data demonstrating trends, over a period of 3 to 5 years, in the achievement of pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are limited English proficient;

(IV) State how the implementation of the differentiated corrective actions, consequences or sanctions, or any combination thereof, will affect the charter school financially and affect the personnel of the charter school;

(V) In addition to the actions taken by the Department to monitor the proposal pursuant to NRS 385.3745, designate a plan for the governing body of the charter school to monitor and evaluate the proposal;

(VI) Include any other information that the governing body of the charter school and the board of trustees of the school district determine is relevant to the proposal; and

(VII) Include a copy of the application for available funds to support the implementation of the differentiated corrective actions, consequences or sanctions, or any combination thereof, submitted pursuant to NAC 385.626.

(c) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education:

(1) The governing body of the charter school shall, not later than May 31 of the school year, conduct the comprehensive audit required by NRS 385.3721, which must include, without limitation, an audit of the leadership of the charter school.

(2) The Department shall, in conjunction with the governing body of the charter school, develop a proposal, on a form prescribed by the Department, to implement one or more differentiated corrective actions, consequences or sanctions, or any combination thereof, in the following school year if the charter school is designated as demonstrating need for improvement for a consecutive year. The proposal must, without limitation:

(I) Include a list of the differentiated corrective actions, consequences or sanctions, or any combination thereof, set forth in NAC 385.589 that the Department will implement;

(II) Provide an analysis of the results of the comprehensive audit and any additional data that the Department determines is relevant;

(III) Specify the data on which the proposal is based, including, without limitation, the relevant data demonstrating trends, over a period of 3 to 5 years, in the achievement of pupils who are economically disadvantaged, pupils from major racial and ethnic groups, pupils with disabilities and pupils who are limited English proficient;

(IV) State how the implementation of the differentiated corrective actions, consequences or sanctions, or any combination thereof, will affect the charter school financially and affect the personnel of the charter school;

(V) In addition to the actions taken by the Department to monitor the proposal pursuant to NRS 385.3745, designate a plan for the governing body of the charter school to monitor and evaluate the proposal;

(VI) Include any other information that the governing body of the charter school and the Department determine is relevant to the proposal; and

(VII) Include a copy of the application for available funds to support the implementation of the differentiated corrective actions, consequences or sanctions, or any combination thereof, submitted pursuant to NAC 385.626.

2. Not later than June 30 of the school year in which the charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years, the board of trustees of the school district shall, for a charter school sponsored by the board of trustees, submit to the Department the proposal developed pursuant to subsection 1.

3. Within 45 days after the Department receives the proposal submitted pursuant to subsection 2, the Department shall review the proposal and may:

(a) Approve the proposal and provide notice to the board of trustees of the school district that the proposal was approved; or

(b) Return the proposal to the board of trustees of the school district with its recommendations for revision.

4. If the Department returns the proposal pursuant to subsection 3, the board of trustees of the school district shall, in conjunction with the governing body of the charter school, within 20 days after the board of trustees receives the proposal, revise and resubmit the proposal to the Department.

5. Within 20 days after the Department receives the revised proposal submitted pursuant to subsection 4, the Department shall review and approve the proposal. If the board of trustees of the school district failed to include in the revised proposal the recommendations for revision of the Department, the Department may include such revisions in the approved proposal.

6. The Department may grant an extension of time to the governing body of a charter school to comply with the provisions of this section.

7. For a charter school sponsored by the State Board or a college or university within the Nevada System of Higher Education, the Department shall provide to the sponsor of the charter school a copy of the proposal developed pursuant to subsection 1.

NAC 385.589 Designation as demonstrating need for improvement for 4 or more consecutive years: Types of differentiated corrective actions, consequences or sanctions authorized for public school.

The differentiated corrective actions, consequences or sanctions, or any combination thereof, that may be applied to a public school which is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 or more consecutive years include, without limitation:

1. Conducting an update of the comprehensive audit with assistance from persons who have experience conducting such audits and who are not directly employed by the public school.

2. In addition to the technical assistance that must be made available pursuant to NRS 385.3745, 385.3746, 385.37603 and 385.37607, providing technical assistance to the public school which is:

(a) Based upon the needs of the public school that are identified in the comprehensive audit conducted pursuant to NRS 385.3721;

(b) Provided to the public school by persons who have expertise in providing such technical assistance to a public school with similar needs and demographics; and

(c) Based upon scientific research, including, without limitation, assistance in:

(1) Acquiring, analyzing and using data from the automated system of accountability information established by the Department pursuant to NRS 386.650 and other data concerning the achievement of pupils which can be used to identify problems at the public school and develop solutions to those problems;

(2) Identifying the needs of the public school concerning professional development and assistance in coordinating access to instructional strategies and methods that are proven effective in addressing the instructional deficiencies of the public school; and

(3) Analyzing and revising the budget of the public school to effectively allocate resources to implement the turnaround plan or the plan for restructuring developed for the public school.

3. Providing instruction in professional development that is in addition to any instruction in professional development available to public schools within the school district. Such professional development must:

(a) To the extent applicable, comply with the uniform standards for use by the governing body of each regional training program in the review and approval of training adopted by the Statewide Council for the Coordination of the Regional Training Programs pursuant to NRS 391.520;

(b) Be based upon the needs of the public school that are identified in the comprehensive audit required by NRS 385.3721;

(c) Address the problems associated with the academic achievement of pupils in the public school; and

(d) Provide an opportunity for maximum participation of personnel at the public school, including, without limitation, mandatory participation in professional development.

4. Establishing a support team for the public school in accordance with NRS 385.36125, 385.36127 and 385.36129.

5. Purchasing materials or programs, or both, that are aligned with the needs of the public school which are identified in the comprehensive audit, including, without limitation:

(a) Programs based upon research that is proven to increase pupil achievement at public schools with similar needs and demographics;

(b) A system to collect and manage data to track the progress of pupils in achieving goals established for pupils enrolled in the public school; and

(c) Equipment that assists the efforts of the public school to improve the achievement of pupils enrolled in the public school.

6. Employing additional personnel to provide supplemental educational services to pupils in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto.

7. Implementing any other differentiated corrective action, consequence or sanction, or any combination thereof, that the Department determines is appropriate for the public school based upon the results of the comprehensive audit and any other data the Department deems relevant.