

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

LCB File No. R037-16

Effective September 9, 2016

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

AUTHORITY: §1, NRS 385.080 and sections 5 and 6 of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1861 (NRS 388.157 and 388.159); §2, NRS 385.080 and section 5 of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1861 (NRS 388.157); §§3-5, NRS 385.080 and section 6 of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1861 (NRS 388.159).

A REGULATION relating to education; approving certain assessments for use to assess a pupil's proficiency in the subject area of reading; providing that certain teachers employed by a school district or charter school are required to complete certain training or professional development; prescribing the duties and responsibilities of a learning strategist; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to approve assessments that may be used to assess a pupil's proficiency in the subject area of reading. (Section 5 of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1861 (NRS 388.157)) **Section 2** of this regulation approves certain assessments for that purpose.

Existing law requires the principal of a public elementary school to designate a licensed teacher employed by the school as a learning strategist to train and assist teachers at the school to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading. Existing law also requires the State Board to prescribe: (1) any training or professional development that a learning strategist must complete; (2) any professional development that a teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 is required to receive from a learning strategist; and (3) the duties and responsibilities of a learning strategist. (Section 6 of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1861 (NRS 388.159)) **Section 3** of this regulation requires a learning strategist to complete certain training or professional development. **Section 4** of this regulation provides that a teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 is required to receive certain professional development from a learning strategist. **Section 5** of this regulation prescribes the duties and responsibilities of a learning strategist.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *For the 2017-2018 school year and each school year thereafter, the State Board hereby approves the following as assessments for assessing a pupil's proficiency in the subject area of reading:*

- 1. The Brigance Early Childhood Screen III: K & 1 published by Curriculum Associates; and*
- 2. The Measures of Academic Progress (MAP) assessment published by the Northwest Evaluation Association.*

Sec. 3. *A learning strategist shall complete training or professional development concerning:*

- 1. The standards for English language arts for kindergarten and grades 1, 2 and 3 adopted by reference in NAC 389.232, 389.2418, 389.2431 and 389.247;*
- 2. The Nevada State Literacy Plan, in the form most recently published by the Department, which may be obtained free of charge at the Internet address <http://www.doe.nv.gov/>;*
- 3. Evidence-based best practices for instruction and intervention concerning literacy, including, without limitation, the instruction and intervention required by sections 8 to 12, inclusive, of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1862 (NRS 392.750 to 392.770, inclusive);*
- 4. Methods for screening for and intervention concerning dyslexia and other reading disabilities, including, without limitation, the screening and intervention described in sections 8, 9 and 11 of Assembly Bill No. 341, chapter 411, Statutes of Nevada 2015, at pages 2382 and*

2383 (NRS 388.439, 388.441 and 388.443), the minimum standards prescribed by the State Board for the special education of pupils with dyslexia pursuant to NRS 388.520 and the Dyslexia Resource Guide published by the Department pursuant to section 14 of Assembly Bill No. 341, chapter 411, Statutes of Nevada 2015, at page 2384 (NRS 388.447);

5. Using the assessments approved by the State Board in section 2 of this regulation;

6. Methods for effectively delivering and receiving constructive feedback;

7. Methods for assisting the board of trustees of a school district or the governing body of a charter school, as applicable, to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3, as required by section 5 of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1861 (NRS 388.157), that aligns with the Nevada State Literacy Plan;

8. The statewide performance evaluation system adopted by the State Board pursuant to NRS 391.465; and

9. The national standards for coaching concerning literacy.

Sec. 4. A teacher who is employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 shall complete professional development provided by a learning strategist concerning:

1. The standards for English language arts for kindergarten and grades 1, 2 and 3 adopted by reference in NAC 389.232, 389.2418, 389.2431 and 389.247;

2. The Nevada State Literacy Plan, in the form most recently published by the Department, which may be obtained free of charge at the Internet address

<http://www.doe.nv.gov/>;

3. Evidence-based best practices for instruction and intervention concerning literacy, including, without limitation, the instruction and intervention required by sections 8 to 12, inclusive, of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1862 (NRS 392.750 to 392.770, inclusive);

4. Methods for screening for and intervention concerning dyslexia and other reading disabilities, including, without limitation, the screening and intervention described in sections 8, 9 and 11 of Assembly Bill No. 341, chapter 411, Statutes of Nevada 2015, at pages 2382 and 2383 (NRS 388.439, 388.441 and 388.443), the minimum standards prescribed by the State Board for the special education of pupils with dyslexia pursuant to NRS 388.520 and the Dyslexia Resource Guide published by the Department pursuant to section 14 of Assembly Bill No. 341, chapter 411, Statutes of Nevada 2015, at page 2384 (NRS 388.447);

5. Using the assessments approved by the State Board in section 2 of this regulation;

6. Methods for effectively delivering and receiving constructive feedback;

7. Using data concerning pupils to improve instruction concerning literacy; and

8. Methods for maintaining collaborative and reflective communication.

Sec. 5. A learning strategist shall:

1. Assist and provide leadership to the board of trustees of a school district or the governing body of a charter school, as applicable, in preparing a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3, as required by section 5 of Senate Bill No. 391, chapter 334, Statutes of Nevada 2015, at page 1861 (NRS 388.157);

2. Provide the professional development prescribed by section 4 of this regulation for teachers;

3. Provide any necessary additional instruction to teachers and administrators concerning the assessments approved in section 2 of this regulation; and

4. Provide instruction and support for the parents and guardians of pupils who have been identified as deficient in the subject area of reading.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066
Informational Statement
LCB File No. R037-16

1. A clear and concise explanation of the need for the adopted regulation: To comply with S.B. 391 that equips the State Board of Education with the authority to approve K-3 reading assessments, to identify the responsibilities of the Read by Grade 3 learning strategist, and to establish a set of guidelines for the training of learning strategists and K-4 educators in Nevada public school districts and charter schools.

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:** Melissa Mackedon
- (b) Telephone number;**
- (c) Business Address;**
- (d) Business telephone number;**
- (e) Electronic mail address;**
- (f) Name of entity or organization represented:** Oasis Academy Charter School

- (a) Name:** Scott Coffee
- (b) Telephone number**
- (c) Business Address;**
- (d) Business telephone number;**775-737-8129
- (e) Electronic mail address;** scott.coffee@reniassance.com
- (f) Name of entity or organization represented;** Renaissance Learning

- (a) Name:** Karina Nevers
- (b) Telephone number;**

- (c) **Business Address;**
- (d) **Business telephone number;** 702-449-0075
- (e) **Electronic mail address;** knevers@cainc.com
- (f) **Name of entity or organization represented;** Curriculum Associates

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.

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.

Melissa Mackedon expressed concern that the decision impacts the autonomy of charter schools. And the overreliance of Northwest Evaluation Association: Measures of Academic Progress (NWEA MAP). She hopes there will be a correlation and a reliable predictive value of the tests. She is also concerned with MAPS will not tick all the boxes for the dyslexia bill because there will to be an additional test for kids who are performing below grade lever to meet the requirements of the dyslexia law.

Scott Coffee said choice is better than a single solution, without competition the growth needed or an intervention is not apparent. He suggested reconsidering having a single solution because pricing and problems can arise and recommended looking at solutions that have been successful in different states. If it is limited to one it limits change or growth.

Karina Nevers advocated for 100s of teachers in CCSD, Zoom, Victory and Striving Readers who have asked to use iReady next year because so much professional development and time has been invested. Choice should be considered, it leads to innovation and encourages companies to respond to the request teachers have to make innovative products and negotiate pricing.

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

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.

Dr. Canavero summarized the technical changes. The first change is on page 2, section 2, item (1). The i-Ready assessment published by Curriculum Associated is eliminated as well as(3) in the same section; the STAR Reading assessment published by Renaissance Learning. That leaves (2) the Measures of Academic Progress (MAP) assessment published by the Northwest Evaluation Association. A *kindergarten entry assessment* would be added to section 2. To clarify section 2 would read; (1) The measures of Academic Progress (MAP) assessment published by the Northwest Evaluation Association and (2) kindergarten entry assessment Brigance, Curriculum Associates' KEA. Other technical changes appear

on page 2, section 3, (2) change the link to something more generic than striving readers. Striving Readers is a term of a federal grant and would likely change the language to Literacy. In addition page 4, section 4 (2) that link would also change.

- 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.