

NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066

LCB File No. R064-22

Amendments to NAC Chapter 388G.XXX – Which pertains to regulatory language that defines “other staff who work under the direct supervision of the principal” within NRS 388G.610.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 388G:

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

The State Board of Education has determined that the current language is too vague and does not define the term “other staff who work under the direct supervision of the principal”. This definition is necessary to ensure that the principal of a local school precinct has the ability to select the best available professionals to lead and instruct students.

2. Description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Persons wishing to comment upon the proposed action of the State Board of Education were advised of their right to appear at the scheduled public hearing and their right to address comments, data, views or arguments, in written form, to the Board Secretary, Nevada Department of Education, 700 E. Fifth Street, Carson City Nevada, 89701. The Department of Education must have received written submissions **on or before July 6, 2022**. No persons who are directly affected by the proposed action appeared to request time to make an oral presentation; the Nevada State Board of Education heard and documented the public comment.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended/adopted will be available at the Nevada Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, NV 89119, The Nevada Department of Education 700 E. Fifth Street, Suite 100, Carson City NV 89701, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations, and Nevada State Library and Archives.

The public response can be summarized as two individuals testified at the workshop or public hearing, and one individual provided written statements at the public hearing regarding this regulatory change. A copy of the summary and/or minutes of the public workshop and/or hearing are available upon request.

3. The Number of Persons Who:

- a) Attended Workshop: 2; Hearing: 14
- b) Testified at Workshop: 1; Hearing: 2
- c) Submitted Written Statements: Workshop: 0; Hearing: 1

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.

Chris Daly, Nevada State Education Association (Testified at Workshop and Hearing)
Jeff Horn, Clark County Association of School Administrators and Professional Technical Employees
Kellie Kowal-Paul, Chief Strategy Officer, Clark County School District

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

Comments were solicited through the public hearing notice of **July 7, 2022**. At the workshop persons wishing to comment upon the proposed action of the State Board of Education were advised of their right appear at the scheduled public hearing and their right to address comments, data, views or arguments, in written form, to the Board Secretary, Nevada Department of Education 700 E. Fifth Street, Suite 100, Carson City NV, 89701. The Department of Education must have received written submissions **on or before July 6, 2022**. 1 person who is directly affected by the proposed action appeared to request time to make an oral presentation; the comment can be summarized as: NSEA agrees with the April 25th letter submitted to the Nevada State Board of Education from Dyer Lawrence that stated, "By using the word direct in the manner it did, the Legislature plainly stated that the principal of a local school precinct has the selection authority only over the support staff employees that the principal "directly supervises," meaning there is no intervening supervision by another CCSD employee." The proposed draft regulation language being considered would make this selection authority applicable to nearly all education support professionals ("ESPs") at a school site. If the Legislature had intended to address all ESPs at a school site, it would NOT have added the limiting language that requires "direct supervision." 1 person who is directly affected by the proposed action submitted a written statement; the comment can be summarized as: CCASAPE is in support of the proposed regulation and appreciates the work of this Board along with the efforts of the AB 469 subcommittee to create regulatory language defining "other staff who work under the direct supervision of the principal." The proposed language will ensure that principals finally have the ability to select the best available professionals to lead and instruct our students. CCASAPE encourages this Board to approve these items as we move closer to realizing the full implementation of AB 469.

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Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations, and Nevada State Library and Archives.

The response from affected businesses can be summarized as non-existent as no businesses testified at the workshop or the hearing and none provided written statements regarding this regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Dylan Fuson, Assistant to the State Board of Education, Nevada Department of Education, 775-687-9224, or by writing to the Nevada Department of Education at 700 E. Fifth Street, Carson City NV, 89701.

6. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The State Board of Education adopted the proposed regulation language at the public hearing held on **July 7, 2022** without any change to any part of the proposed regulation as the Board was satisfied with the language as written by the Legislative Counsel Bureau.

7. 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 will be no economic effect of the regulation on the business that it regulates.
There is no estimated economic effect on the public.

8. 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.

9. A description of any regulations of other state or governmental agencies which the 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.

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

There are none.

- 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.