

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R050-24

May 13, 2024

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

AUTHORITY: § 1, NRS 385.080, 389.0095 and 389.021.

A REGULATION relating to education; requiring the board of trustees of each school district and the governing bodies of certain charter schools to establish and carry out a plan to identify pupils for placement in more rigorous courses in certain academic subjects; requiring the board of trustees of a school district and the governing body of a charter school to submit an annual report concerning any academic subjects for which sufficient financial resources were not available to establish a more rigorous course; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) designates mathematics, English language arts, science and social studies as core academic subjects; and (2) requires the State Board of Education to adopt regulations requiring each public school to establish and carry out a plan to identify pupils in grades 3 to 12, inclusive, for placement in more rigorous courses in those subject areas. (NRS 389.0095, 389.018) This regulation requires the board of trustees of each school district and the governing bodies of certain charter schools to establish and carry out a plan to identify pupils enrolled in public schools located within the school district or enrolled in the charter school, as applicable, for placement in more rigorous courses. This regulation requires any such plan to: (1) provide for the identification of pupils using certain examinations and pupil performance data; (2) prescribe procedures to ensure compliance with certain statutory requirements; and (3) with certain exceptions, require that, to the extent practicable, a pupil who is identified for placement in a more rigorous course be placed in that course.

Under existing law, if a pupil is identified for placement in a more rigorous course and such a course is offered at the public school in which the pupil is enrolled, the pupil must be placed in the more rigorous course unless the parent or guardian submits to the principal of the public school in which the pupil is enrolled a written notice of his or her objection to such placement. (NRS 389.0095) This regulation provides that, if the parent or guardian of a pupil who is identified for placement in a more rigorous course submits such an objection, the

principal must arrange a meeting between the parent or guardian, a school counselor and, to the extent practicable, the principal. If, after such a meeting, the attendees mutually agree that placing the pupil in the more rigorous course is not in the best interests of the pupil, this regulation prohibits placing the pupil in the more rigorous course.

Existing law requires the board of trustees of a school district and the governing body of a charter school to establish a more rigorous course in a core academic subject if: (1) there are a sufficient number of pupils identified for placement in the more rigorous course to warrant the establishment of the course; and (2) the school district or charter school has sufficient financial resources to establish the course. (NRS 389.0095) This regulation requires the board of trustees of a school district or the governing body of a charter school to prepare and submit to the Superintendent of Public Instruction an annual report that includes, for each subject area for which the board of trustees or governing body determined sufficient financial resources were not available to establish a more rigorous course, an explanation of the reasons for that determination.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that enrolls pupils in grades 3 to 12, inclusive, shall establish and carry out a plan to identify pupils enrolled in public schools located within the school district or enrolled in the charter school, as applicable, for placement in more rigorous courses, including, without limitation, advanced placement courses, international baccalaureate courses, honors courses, dual credit courses and other college preparatory courses in mathematics, English language arts, science and social studies.

2. Each plan established pursuant to subsection 1 must:

(a) Provide for the identification of pupils for placement in more rigorous courses using:

(1) Criterion-referenced examinations administered pursuant to NRS 390.105 or norm-referenced, nationally recognized examinations; and

(2) Pupil performance data, including, without limitation, observations of the performance of pupils, the work product of pupils and any other tangible demonstrations of the performance of pupils;

(b) Prescribe procedures to ensure compliance with subsections 2 and 3 of NRS 389.0095; and

(c) Except as otherwise provided in subsection 3, require that, to the extent practicable, a pupil who is identified for placement in a more rigorous course be placed in the more rigorous course if such a course is available.

3. If the parent or guardian of a pupil who is identified for placement in a more rigorous course submits to the principal of the school in which the pupil is enrolled written notice of his or her objection to such placement pursuant to paragraph (b) of subsection 2 of NRS 389.0095, the principal shall arrange a meeting between the parent or guardian, a school counselor and, to the extent practicable, the principal. If, after such a meeting, the attendees mutually agree that placing the pupil in the more rigorous course is not in the best interests of the pupil, the pupil must not be placed in the more rigorous course.

4. On or before June 1 of each year, the board of trustees of a school district or the governing body of a charter school shall prepare and submit to the Superintendent of Public Instruction a report concerning compliance with the requirements prescribed by subsection 3 of NRS 389.0095 for the immediately preceding school year. The report must include, for each academic subject for which the board of trustees or governing body, as applicable, determined sufficient financial resources were not available to establish a more rigorous course, an explanation of the reasons for that determination.