

LCB File No. T027-00

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

(Effective November 2, 2000)

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

ADOPTION AND USE OF TEXTBOOKS

Explanation: Matter in *italics* is new

AUTHORITY: NRS 385.080 and NRS 390

SECTION 1. NAC 390 is hereby amended as follows:

SECTION 2. 390.010 Committees to evaluate and recommend textbooks: Appointment; membership. The superintendent of a school district must appoint a committee to evaluate and recommend textbooks to be used in public schools before the district may forward any such recommendations to the state board of education for adoption. The committee must consist of:

1. A teacher or teachers who are licensed to teach:

(a) The subject areas of the textbooks being considered if the textbooks are for use in secondary grades; or

(b) Elementary education if the textbooks being considered are for use in elementary grades;

2. An administrator or a specialist in curriculum who is employed by the school district;

3. A parent of a pupil who is enrolled in the school district; and

4. Any other member or members the superintendent deems necessary to serve on the committee.

390.020 Committees to evaluate and recommend textbooks: Duties. A committee established pursuant to NAC 390.010 shall review textbooks and submit to the department of education in the form prescribed by the department an evaluation of any textbooks being recommended for adoption. The evaluation must include:

1. A comparison of the textbook with the courses of study offered in this state and the goals and objectives of the school district that the committee is representing.
2. A summary of the organization and presentation of material in the textbook.
3. A statement of the quality of production of the textbook, including the cover, binding and print.
4. An analysis of the accuracy of the information contained in the textbook.
5. A statement of the appropriateness of any materials of support or references provided with the textbook.
6. An analysis of the ability of the textbook to stimulate interest in pupils.
7. A reasonable assurance that the textbook complies with the requirements of subsection 2 of NRS 390.140.
8. A list of the times and locations that parents of pupils enrolled in the district and other members of the community were afforded an opportunity to review the textbook and to submit written comments to the committee before the final recommendations were made.

390.030 Provision of opportunity for members of community to review textbooks and submit comments. If a textbook adopted by the state board of education has not been evaluated by a committee appointed by the superintendent of a local school district pursuant to NAC 390.010, the superintendent of that school district shall afford the parents of pupils enrolled in the district and other members of the community an opportunity to review the textbook and submit written comments to the school district.

390.040 Recommendations for adoption of textbooks: Time for submission; effect of incorrect or inaccurate evaluation.

1. A recommendation for the adoption of a textbook must be submitted to the department of education in December, March or April 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 if it finds that any of the information required by NAC 390.020 is incorrect or inaccurate.

390.050 Compliance with schedule for adoption of textbooks. A textbook will be adopted for use in public schools according to the schedule for adoption prescribed by the department of education, unless the state board of education grants an exception to this requirement.

390.060 Use of textbooks on experimental basis. A textbook may be used on an experimental basis by a school district for not more than 1 year before the textbook is given a final evaluation. A request to use a textbook in this manner must be submitted to the department of education in the form prescribed by the department.

390.070 Use of revised editions of adopted textbooks. A revision of an adopted textbook may be used by a school district if the revision does not add to, subtract from or change the areas of content in the textbook. The period during which the revised textbook may be used is the same as the period of use for the textbook in its original form. A school district shall notify the department of education of its intent to use a revised edition of an approved textbook before purchasing the revised edition.

SECTION 3. *A school district shall notify the department of education of its intent to use electronic media as the primary basis of instruction.*

SECTION 4. *A committee established pursuant to NAC 390.010 shall review electronic media and submit to the department of education in the form prescribed by the department of education an evaluation of the electronic media being selected for use as the primary basis of instruction. The evaluation must include:*

- 1. A comparison of the electronic media with the courses of study offered in this state and the goals and objectives of the school district that the committee is representing;*
- 2. A summary of the organization and presentation of electronic media;*
- 3. A statement of the quality of production of the electronic media, including the cover, binding and print;*
- 4. An analysis of the accuracy of the information contained in the electronic media;*
- 5. A statement of the appropriateness of any information contained in the electronic media;*

- 6. An analysis of the ability of the electronic media to stimulate interest in pupils;*
- 7. A reasonable assurance that the electronic media complies with the requirements of subsection 2 of NRS 390.140; and,*
- 8. A list of the times and locations that parents of pupils enrolled in the district and other members of the community were afforded an opportunity to review the electronic media and to submit written comments to the committee before the final recommendations were made.*

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education/Nevada State Board for Occupational Education

The Nevada State Board of Education/Nevada State Board for Occupational Education will hold a public hearing on **Saturday, October 21, 2000**, at the **Department of Education, Board Room 101, 700 East Fifth Street, Carson City, Nevada**.

The time for the public hearing has been scheduled as follows:

11:00 a.m. **Public Hearing and Possible Board Adoption of Proposed Revisions to Regulation NAC 390, Textbooks – Inclusion of Technological Material (Second of Two Public Hearings)**

The purpose of the hearing is to receive comments from all interested persons regarding the proposed revisions to regulation language that pertain to Chapter 390 of the Nevada Administrative Code.

The purpose of the proposed revision is to include technological material, i.e., software, as part of the state textbook adoption process.

There is no anticipated economic effect of the regulation on the business that the agency regulates. There are no known adverse effects. The beneficial, immediate and long term effects will be to clarify technological material in the state textbook adoption process.

There is no anticipated economic effect on the public. There is no estimated cost for enforcement to the regulating agency.

There is no federal law affecting the proposed regulations. There is no duplication or overlap of state or local government agencies. The proposed regulations do not establish any new fees nor increase an existing fee of the regulating agency.

Persons wishing to comment upon the proposed action of the Nevada State Board of Education/Nevada State Board for Occupational Education may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. Written submissions must be received by Department of Education **on or before Monday, October 16, 2000**. The following statement applies for hearings noticed above for possible Board adoption: If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada State Board of Education/Nevada State Board for Occupational Education may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation will be on file at the Nevada 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 proposed regulation will be available at the Nevada Department of Education, 700 East Fifth Street, Carson City, 89701-5096, 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 before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice has been filed at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendents' Offices, the 17 county main public libraries, and at the Nevada State Library and Archives.

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9/19/00

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

RULES FOR PUBLIC TESTIMONY

1. In accordance with NRS 233B.060, the Board, before adopting, amending or repealing any permanent or temporary regulations shall give at least 30 days of notice.
2. The Board will endeavor to hold public hearings on its intended action in two separate locations. The Board does reserve the right to hold only one hearing. A public hearing held by video telecommunication, allowing access at two separate locations, will be considered as two hearings. Also, under NRS 233B.060, the Board has the authority to promulgate emergency regulations which expire and then must go through the regular public hearing process.
3. All persons wishing to submit written testimony for a public hearing of the Board should do so at least five (5) working days before the scheduled public hearing.
4. Written submissions should be sent to the Board Secretary, State Board of Education, Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. All materials will be duplicated for distribution to the Board members.
5. Persons wishing to give oral testimony at the public hearing should sign in at the meeting on the cards provided and submit the card to the Board secretary.
6. Each person giving oral testimony is asked to provide a single page abstract of comments, if possible.
7. The Board President, at the time of the public hearing, may ask a person to condense their testimony so that all persons wishing to speak will have the opportunity. Time limits on testimony may be placed at the discretion of the Board President.

Adopted 3/21/93

INFORMATIONAL STATEMENT

NEVADA DEPARTMENT OF EDUCATION

NEVADA STATE BOARD OF EDUCATION NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 NAC 390, Textbooks, Inclusion of Electronic Media (Temporary Regulation)

IMPACT STATEMENT

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

1. **A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately one-hundred twenty-five individuals and educational organizations. One workshop was held July 28, 2000. There was comment from the public.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred twenty-five individuals and educational organizations. Two public hearings were conducted on September 16 and October 21, 2000, to provide the opportunity for comments by affected parties and the public. There was comment from the public.

2. **The Number of Persons Who:**

a) **Attended Each Hearing:** Workshop: 12 First Hearing: 10 Second Hearing: 11

b) **Testified at Each Hearing:** Workshop: 1 First Hearing: 2 Second Hearing: 2

and,

c) **Submitted Written Statements:** Workshop: 0 First Hearing: 1 Second Hearing: 1

Written comments were received in support of the proposed changes: 1) 9/8/00 Memorandum from Cris Etchegoyhen, Douglas County School District in support of Option I; and, 2) 10/16/00 Letter from Jhone Ebert, Coordinator, Secondary Technology, Clark County School District, in support of Option I.

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

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

Comment was solicited through the workshop notice of July 12, 2000, and public hearing notices of August 11, and September 19, 2000.

At the Workshop to Solicit Comments on July 28, 2000, Dr. Robert McCord, Consultant, Clark County School District, felt it was important to note the technological material would be used as the primary basis of instruction.

At the first public hearing held September 16, 2000, two individuals spoke in favor of the proposed revisions: Jeanne Ohl, CRT Specialist, Washoe County School District, stated that the School district favors option 8, that identifies software as the primary source; and, 2) Jhone Ebert, Technology Coordinator, Clark County school District, recommended that “technological material” be changed to “electronic media.”

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

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

The temporary regulation language was adopted by the Nevada State Board of Education at the public hearing held October 21, 2000, with change, to use “electronic media” instead of “technological material.”

5. **The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

There is no economic effect on the agencies to be regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

6. **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.

7. **A description of any regulations of other state or government agencies which the proposed 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 government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

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

There are none.

9. 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 or involve a new fee.

10/30/00