

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

LCB File No. R027-09

June 11, 2009

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

AUTHORITY: §1, NRS 385.080, 385.361, 385.3611 and 385.366; §2, NRS 385.080, 385.361, 385.3611 and 385.3771.

A REGULATION relating to education; revising provisions relating to the designation of public schools and school districts as demonstrating exemplary achievement; and providing other matters properly relating thereto.

Section 1. NAC 385.558 is hereby amended to read as follows:

385.558 1. A public school must be designated as demonstrating exemplary achievement pursuant to NRS 385.366 if : ~~[the:]~~

(a) ~~[School]~~ *The school* makes adequate yearly progress for the current school year;

(b) ~~[School]~~ *The school* is not designated as demonstrating need for improvement;

(c) ~~[Percentage]~~ *The percentage* of pupils in each ~~[subgroup]~~ *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) ~~[Percentage]~~ *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 **[subgroup]** *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 ~~[subgroups.]~~ *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;
- ~~[(6)]~~ (7) Significantly greater; and
- ~~[(7)]~~ (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.

Sec. 2. NAC 385.568 is hereby amended to read as follows:

385.568 1. A school district must be designated as demonstrating exemplary achievement pursuant to NRS 385.3771 if : ~~{the:}~~

- (a) ~~{School}~~ *The school* district makes adequate yearly progress for the current school year;
- (b) ~~{School}~~ *The school* district is not designated as demonstrating need for improvement;
- (c) ~~{Percentage}~~ *The percentage* of pupils in each ~~{subgroup}~~ *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) ~~{Percentage}~~ *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 ~~H~~; 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 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 ~~[subgroup]~~ *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 ~~[subgroups.]~~ *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;
- ~~[(6)]~~ (7) Significantly greater; and
- ~~[(7)]~~ (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.