

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 Career and Technical Education

The Nevada State Board of Education/Nevada State Board for Career and Technical Education will hold a public hearing on **June 16, 2016 to be video conferenced in the Board Room at the Nevada Department of Education Offices, 700 East Fifth Street Carson City Nevada and 9890 South Maryland Parkway, Las Vegas, Nevada.**

The purpose of the hearing is to receive comments from all interested persons regarding the amendments/adoptions/repeal of regulations of the Nevada Administrative Code (NAC) 388.

The time for the hearing is scheduled as follows:

9:40A.M. Public Hearing and Possible Adoption of proposed regulation R037-16; NAC 388, for compliance of S.B. 391 – Nevada Read by Grade 3 Initiative as cited in Section 5.1 (b) *Procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable assessments that have been approved by the State Board by regulation and Section 6. 4 (a) any training for professional development that a learning strategist is required to successfully complete; (b) any professional development 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 in the subject area of reading; and (c) the duties and responsibilities.*

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need and the purpose of the proposed regulations/amendments.
To comply with the language in SB 391 that equips the State Board 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. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.
The purpose is to establish a coherent and consistent statewide system of early literacy (K-3) assessment, instruction, and intervention. The subjects involved in this regulation include: members of the State Board, Nevada's public school districts and charter schools that provide K-3 programs of early literacy, professional educators acting in the role of the school-based learning strategist, K-4 educators charged with implementing *Read by Grade 3* mandates with fidelity, and all K-3 students enrolled in public and charter school elementary settings.
3. There is no economic effect of the regulation on the business that it regulates and no impact on the public.
4. The estimated cost to the agency for enforcement of the proposed regulation is none.
5. There is no duplication or overlap of regulations of state or local government agencies.
6. This regulation is not required pursuant to federal law.
7. There is no federal law affecting or overlapping the proposed regulations.
8. The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency

Persons wishing to comment upon the proposed action of the State Board of 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 E. 5th St, Carson City, NV 89701 June 2, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Education/State Board of Education may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be 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 adopted will be available at the Nevada Department of Education, 700 East Fifth St, Carson City, Nevada 89701 and in all counties in which an office of the agency is not maintained, 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 in 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 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; 17 Nevada County School District Offices; 16 Nevada Public Libraries; both locations; and Nevada State Library and Archives.

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

LCB File No. R037-16

May 4, 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 i-Ready assessment published by Curriculum Associates;*
- 2. The Measures of Academic Progress (MAP) assessment published by the Northwest Evaluation Association; and*
- 3. The STAR Reading assessment published by Renaissance Learning.*

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/Striving Readers/](http://www.doe.nv.gov/Striving_Readers/);*
- 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/Striving_Readers/;*
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.

BRIAN SANDOVAL
Governor

STEVE CANAVERO, Ph.D.
Interim Superintendent
of Public Instruction

STATE OF NEVADA



DEPARTMENT OF EDUCATION
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200 · Fax: (775) 687 - 9101
<http://www.doe.nv.gov>

SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway, Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702)486-6450
www.doe.nv.gov/Educator_Licensure

**SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608**

Date: May 11, 2016

Re: Proposed New Regulations of *Nevada's Read by Grade Three Initiative* as cited in Senate Bill 391 (Sections 5.1 (b) and 6.4 (a-c)).

I, Kevin Marie Laxalt, being the duly appointed Education Program Professional responsible for directing NDE's *Read by Grade 3 Program*, do hereby certify that, to the best of my knowledge or belief:

1. The proposed new regulations directing the Nevada State Board of Education to: approve procedures for assessing a pupil's proficiency in the subject area of reading using valid and reliable assessments (Section 5.1) and to: prescribe (a) any training or professional development that a learning strategist is required to successfully complete; (b) 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 (c) the duties and responsibilities of a learning strategist (Section 6.4) are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff; the impact is solely on K- 4 educators and pupils and their families educators in Nevada's public school districts and charter schools.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the historic scope of the Department's activities and present no new cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or economic impact can be assessed.
5. The revisions of this regulation after its initial drafting were made to description of what changes to regulations do and have no effect on small businesses.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Kevin Marie Laxalt
Director – *Nevada's Read by Grade 3 Initiative*