

NEVADA DEPARTMENT OF EDUCATION

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code. The Workshop has been scheduled for **Thursday, February 13, 2014**, via video conference at the following locations: **Nevada Department of Education Offices, Board Conference Room, 700 East Fifth Street, Board Room, Carson City and 9890 South Maryland Parkway, 2nd Floor Board Conference Room, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topic:

Establishing a procedure for the notification, tracking, and monitoring of the status of criminal cases involving persons who are licensed pursuant to NRS Chapter 391.

11:00 A.M. Workshop to solicit comments on proposed amendments to NAC Chapter 391 related to the procedure for a school district or charter school to notify the Department of Education of the arrest of a licensee; maintenance of the Department's file on the licensee; and confidentiality of records and the file.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, the 17 Nevada School District Superintendents' Offices, the 17 Nevada County main public libraries, the Nevada State Library and Archives, and at the meeting locations.

BRIAN SANDOVAL
Governor

STATE OF NEVADA

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DALE A.R. ERQUIAGA
Superintendent of Public Instruction



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

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

Date: January 22, 2014

Re: Proposed Adoption of Regulations Concerning Notification, Tracking and Monitoring of the Status of Criminal Cases

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed addition of regulations establishing a procedure for school districts to notify the Department of Education of the arrest of a licensee is 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. The proposed regulations deal only with notice requirements and processes for providing information to the Department.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff and the Attorney General's Office; the impact is solely on school districts and the Department of Education.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga". The signature is written in a cursive style with a long, sweeping tail on the letter "g".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

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Declaring confidential certain records related to a validation study of the statewide performance evaluation system for licensees.

11:05 A.M. Workshop to solicit comments on proposed amendments to NAC Chapter 391 related to confidentiality of records submitted to the Department of Education in relation to the Validation Study of the statewide performance evaluation system for licensees.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

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

Date: January 22, 2014

Re: Proposed Adoption of Regulations Concerning the Confidentiality of Records Related to a Validation Study of the Nevada Educator Performance Framework

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed addition of regulations declaring certain records confidential is 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. The proposed regulations deal only with records obtained and compiled in a validation study of the Nevada Educator Performance Framework.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff and the Attorney General's Office; the impact is solely on school districts and the Department of Education.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

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The purpose of the Workshop is to solicit comments from interested persons on the following general topic:

Declaring certain records confidential during an investigation of a testing irregularity by the Department.

11:10 A.M. Workshop to solicit comments on proposed amendments to NAC Chapter 389 related to confidential records related to an investigation of a testing irregularity

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

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

Date: January 22, 2014

Re: Proposed Adoption of Regulations Concerning the Confidentiality of Records Related to an Investigation of Testing Irregularity

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed addition of regulations declaring certain records confidential is 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. The proposed regulations deal only with records obtained and compiled during an investigation conducted by the Department as a result of a report or discovery of testing irregularity.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff and the Attorney General's Office; the impact is solely on school districts and the Department of Education.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga". The signature is written in a cursive style with a large, sweeping flourish at the end.

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

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Establishing a procedure for a board of trustees of a school district or the governing body of a charter school to submit information to the State Board of Education regarding student internships.

11:15 A.M. Workshop to solicit comments on proposed amendments to NAC Chapter 389 related to the process for a board of trustees of a school district or the governing body of a charter school to submit information pertaining to the authorization of pupils to earn credit for a public or private internship during grade 11 or 12.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

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

Date: January 22, 2014

Re: Proposed Adoption of Regulations Concerning the Student Internships

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed addition of regulations concerning student internships is 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. The proposed regulations deal only with a procedure for a board of trustees of a school district or the governing body of a charter school to submit information to the State Board of Education regarding student internships during grade 11 or 12.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff in the Office of Career, Technical and Adult Education; the impact is solely on school districts and the Department of Education. Any impact to small business could be positive, due to the availability of student interns.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL
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Establishing a process for the submission of an application to participate in a program of school choice for children in foster care.

11:20 A.M. Workshop to solicit comments on proposed amendments to NAC Chapter 392B related to the process for submission to the Department of Education an application to participate in the Program of School Choice for Children in Foster Care.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

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

Date: January 22, 2014

Re: Proposed Adoption of Regulations Concerning a Program of School Choice for Children in Foster Care

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed addition of regulations establishing a process for the submission of an application to participate in a program of school choice for children in foster care is 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. The proposed regulations deal only with internal processes of governmental agencies.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff and the Attorney General's Office; the impact is solely on government agencies, school districts, and the Department of Education.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

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Qualifications of the staff of private schools, including occupational permits and background investigations.

11:25 A.M. Workshop to solicit comments on proposed amendments to NAC 394.050 - qualifications of staff; reports; annual directory of private schools; NAC 394.160 - local occupational permits; background investigations; reputation and character of officers and staff of private schools; NAC 394.165 - memorandum of understanding between Department and local law enforcement agency; NAC 394.225 - employees of private schools; occupational permits; reports; conviction of crime; background investigations.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

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

Date: January 27, 2014

Re: Proposed Adoption of Regulations Concerning a the Qualifications of Employees of Private Schools

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed addition of regulations regarding the qualifications and background investigations of employees of a private school is 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. This change does not create a new burdern, as private schools are already required to take the prescribed actions and the proposed change only affects how the information is presented.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied on the expert knowledge of Department staff and the Attorney General's Office. Any economic burden is already born by the schools in question or is passed along to employees, but not to a small business.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL
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Requiring a board of trustees of a local school district to grant permission for a student to enroll in distance education as long as the student satisfies general school enrollment criteria.

11:30 A.M. Workshop to solicit comments on proposed changes to NAC 388.850 - written agreement with board of trustees; NAC 387.294 - pupil enrolled in distance education; NAC 387.193 -part-time enrollment; and NAC 387.193 - pupil enrolled in distance education.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

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

Date: January 22, 2014

Re: Proposed Adoption of Regulations Concerning Distance Education

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed addition of regulations requiring a board of trustees of a local school district to grant permission for a student to enroll in distance education is 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 regulations address only the internal processes of educational agencies.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

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Prescribing a policy for school districts and public schools to provide a safe and respectful learning environment.

11:35 A.M. Workshop to solicit comments on Proposed Amendments to NAC 388 related to the Department of Education prescribing a policy for all school districts and public schools to provide a Safe and Respectful Learning Environment that is free of bullying and cyber-bullying, facilitates positive relations among students, and that requires training for all school district staff on methods to prevent, identify, and report incidents of bullying and cyber-bullying

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

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

Date: January 24, 2014

Re: Proposed Adoption of Regulations Concerning Policies for a Safe and Respectful Learning Environment

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed amendments to regulations prescribing policies for a safe and respectful learning environment in public schools 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. The proposed regulations deal only with processes pertaining to the system of K-12 public education and the assurance of a safe and respectful learning environment for students.
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 school districts and the Department of Education.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

**NEVADA STATE BOARD OF EDUCATION
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Updating certain terms and processes related to the statewide system of accountability to conform with recent changes to state law.

11:40 A.M. Workshop to solicit comments on Proposed Amendments to NAC 385 related to the statewide system of accountability for school districts and schools; Deletion of the following: NAC 385.558 Designation of public school as demonstrating exemplary, high or adequate achievement or as needing improvement; recognition of public school as demonstrating significant improvement; NAC 385.561 Recognition of school demonstrating exemplary or high achievement or significant improvement or which exceeds adequate yearly progress for 2 or more consecutive school years; NAC 385.568 Designation of school district as demonstrating exemplary, high or adequate achievement or as needing improvement; recognition of school district as demonstrating significant improvement; NAC 385.581 Designation of school, other than charter school, as demonstrating need for improvement for 3 consecutive years: Notice; comprehensive audit of school; proposal for implementation of corrective actions, consequences or sanctions; NAC 385.584 Designation of charter school as demonstrating need for improvement for 3 consecutive years: Notice; comprehensive audit of school; proposal for implementation of corrective actions, consequences or sanctions; NAC 385.589 Designation as demonstrating need for improvement for 4 or more consecutive years: Types of differentiated corrective actions, consequences or sanctions authorized for public school.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

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

Date: January 24, 2014

Re: Proposed Adoption of Regulations Concerning the Statewide System of Accountability

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed amendments to regulations concerning the statewide system of accountability 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. The proposed regulations deal only with processes pertaining to the system of K-12 public education, how schools are identified, and how reports are made to the public.
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 school districts and the Department of Education.

Respectfully submitted,

A handwritten signature in black ink that reads "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction

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The Nevada State Board of Education and The Nevada State Board for Career and Technical Education is proposing regulation language pertaining to the Nevada Administrative Code. The Workshop has been scheduled for Thursday, February 13, 2014, via video conference at the following locations: Nevada Department of Education Offices, Board Conference Room, 700 East Fifth Street, Board Room, Carson City and 9890 South Maryland Parkway, 2nd Floor Board Conference Room, Las Vegas, Nevada. The purpose of the Workshop is to solicit comments from interested persons on the following general topic:

Clarifying certain terms and processes pertaining to special education.

11:45 A.M. Workshop to solicit comments on Proposed Amendments to NAC 388 related to “Communication mode” defined; “Consent” defined; “Personally identifiable” defined; Individualized educational program committee; Implementation of individualized educational program; Parent Participation in the development/revision of the individualized educational program; When individualized educational programs must be in effect; Development of an individualized educational program for a pupil with a hearing impairment; Placement of pupil with a disability in private school or facility; Appointment of surrogate parent for pupil with a disability; “Gifted and talented” defined; Eligibility of pupil who is gifted and talented; Maximum number of cases per teacher in unit for pupils who are gifted and talented; maximum size of class; exceptions; Required licensing of teachers of pupils who are gifted and talented; exception; Proposed Amendments to NAC 388.034 “Day” defined; NAC 388.077 “Positive behavioral supports” defined; NAC 388.215 Measures to identify, evaluate and serve pupils with disabilities; Measures to identify, evaluate and serve pupils with disabilities; NAC 388.245 Restrictions on placement of pupil with disability; continuum of alternative placements; annual determination of placement of pupil; NAC 388.255 Basis for change in placement of pupil with disability; NAC 388.261 Transmittal of educational records of pupil with disability upon enrollment in different school or public agency; NAC 388.263 Provision of services to pupil with disability who transfers between school districts; NAC 388.265 Suspension, expulsion or exclusion of pupil with disability; NAC 388.287 Inspection and review of educational records of pupil; NAC 388.288 Amendment of educational records; hearing; NAC 388.289 Confidentiality of records; Deletion of the following: NAC 388.043 “Gifted and talented” defined; NAC 388.282 Placement of pupil with a disability in private school or facility; NAC 388.283 Appointment of surrogate parent for pupil with disability; NAC 388.435 Eligibility of pupil who is gifted and talented.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting by telephone Karen Johansen, State Board of Education Office, Nevada Department of Education, at 775-687-9225, or in writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency’s mailing list for administrative regulations and posted at the following locations: The offices of the Nevada Department of Education in Carson City and Las Vegas, the 17 Nevada School District Superintendents’ Offices, the 17 Nevada County main public libraries, the Nevada State Library and Archives, and at the meeting locations.

BRIAN SANDOVAL
Governor

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DALE A.R. ERQUIAGA
Superintendent of Public Instruction



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

Date: January 24, 2014

Re: Proposed Adoption of Regulations Concerning Special Education

I, Dale A.R. Erquiaga, being the duly appointed Superintendent of Public Instruction, do hereby certify that, to the best of my knowledge or belief:

1. The proposed amendments to regulations clarifying certain terms and processes related to special education 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. The proposed regulations deal only with processes pertaining to the system of K-12 special education and the education of students with disabilities.
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 school districts and the Department of Education.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dale A.R. Erquiaga".

DALE A.R. ERQUIAGA
Superintendent of Public Instruction