

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 **September 1, 2016 to be video conference 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) 385.

The time for the hearing is scheduled as follows:

1:05 P.M. Public Hearing and Possible Adoption of proposed regulation R109-15, amending NAC Chapter 385 to provide a means of designating turnaround schools and other matters properly related thereto.**The following information is provided pursuant to the requirements of NRS 233B.0603:**

1. The need and the purpose of the proposed regulations/amendments.
NRS 388G.400(4) requires the State Board of Education to establish the criteria for designating an underperforming school as a turnaround school by regulation.
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 Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.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 regulation describes the criteria in which makes an underperforming school eligible for designation and then the considerations the Department will analyze to designate a school as a turnaround school.
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 of 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 May 31, 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.

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

LCB File No. R109-15

April 6, 2016

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

AUTHORITY: §§1-3, section 4.2 of Senate Bill No. 92, chapter 541, Statutes of Nevada 2015, at page 3823.

A REGULATION relating to education; establishing the criteria and process for designating a public school as a turnaround school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations to establish the criteria for designating an underperforming school as a turnaround school. (Section 4.2 of Senate Bill No. 92, chapter 541, Statutes of Nevada 2015, at page 3823) **Section 2** of this regulation provides that a public school is eligible for designation as a turnaround school if: (1) the public school is eligible for conversion to an achievement charter school and is not selected for conversion; or (2) the board of trustees of the school district in which the public school is located, the superintendent of the school district in which the public school is located or the principal of the public school has requested that the Department of Education consider designating the public school as a turnaround school.

Existing law authorizes the principal of a turnaround school to make all determinations for the school concerning hiring and the school's curriculum, schedule and instructional design. (Section 4.2 of Senate Bill No. 92, chapter 541, Statutes of Nevada 2015, at page 3823) **Section 3** of this regulation authorizes the Department to require a third party or a school district to evaluate the ability of the principal of a public school that is eligible for designation as a turnaround school to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance at the school. **Section 3** provides that the Department may designate a public school as a turnaround school if it determines, as a result of the evaluation, that the principal of the public school has the ability to provide such leadership, with or without additional professional development.

Section 1. Chapter 385 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A public school is eligible for designation as a turnaround school if:*

(a) The public school is eligible, but is not selected, for conversion to an achievement charter school pursuant to subsection 1 of section 20 of Assembly Bill No. 448, chapter 539, Statutes of Nevada 2015, at page 3789; or

(b) The board of trustees of the school district in which the public school is located, the superintendent of the school district in which the public school is located or the principal of the public school has requested the Department to consider designating the public school as a turnaround school.

2. On or before January 15 of each year, the Department will publish a list of public schools that are eligible for designation as a turnaround school.

Sec. 3. 1. *For any public school that is determined to be eligible for designation as a turnaround school pursuant to section 2 of this regulation, the Department may require the principal of the public school to be evaluated on his or her ability to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance at the school. The evaluation may be performed by:*

(a) A third party that has been approved by the Department; or

(b) The school district in which the public school is located using a process that has been approved by the Department.

2. To the extent that money is available for this purpose, the Department may:

(a) Enter into a contract with a third party to perform an evaluation pursuant to subsection 1; or

(b) Provide a grant of money to a school district to perform an evaluation pursuant to subsection 1.

3. If the evaluator determines pursuant to subsection 1 that a principal does not have the ability to provide the leadership necessary to form and execute a plan to improve pupil achievement and school performance at the school, the evaluator may recommend any professional development that may assist the principal to develop such leadership skills.

4. The results of an evaluation conducted pursuant to this section must be received by the Department not later than 60 days after the Department publishes the list of public schools that are eligible for designation as a turnaround school pursuant to section 2 of this regulation. The Department will provide the results of the evaluation to the board of trustees of the school district in which the public school is located.

5. The Department may designate a public school as a turnaround school if it determines, as a result of the evaluation conducted pursuant to this section, that the principal of the public school has the ability to provide the leadership necessary to execute a turnaround plan with or without any professional development recommended pursuant to subsection 3.

BRIAN SANDOVAL
Governor

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: July 22, 2016

RE: Public Hearing to Adopt Regulations Concerning the Turn Around Schools scheduled for September 1, 2016.

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify that, to the best of my knowledge or belief:

1. The proposed new regulations to be added to NAC Chapter 385 concerning "turnaround schools" are not likely to 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 provide procedures and policies related to the designation and operation of turnaround schools.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied legislative testimony during the consideration and passage of Senate Bill 92 and consultation with experts.
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 significant 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. Any impact is positive and was considered during legislative testimony.

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,

A handwritten signature in black ink that reads "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction