

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Hearing for the Adoption of Regulations of the
Nevada State Board of Education

The Nevada State Board of Education/Nevada State Board for Career and Technical Education will hold a public hearing on **January 18, 2018 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:

9:35 A.M Public Hearing and Possible Adoption of proposed amendments R106-15, amending NAC Chapter 388 to provide the criteria for the district policy that the board of trustees of each school district is to develop for teaching pupils who are limited English proficient

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

1. NRS 388.405 directs the State Board of Education to adopt regulations prescribing criteria for a policy for the instruction of English learners that is developed by the board of trustees of each school district. Based on recommendations from the English Mastery Council (NRS 388.411), R106-15 provides specific criteria for the policies to teach English to pupils who are English learners.
2. R106-15 directs the local board of trustees to evaluate relevant research and to consult with key stakeholders in developing the policy for the instruction to teach English to English learners.
The policy is to include, at a minimum: a mission statement; desired outcomes; the use of data in designing programs, allocating resources, and determining instructional practices; provisions for equitable access for English learners who qualify for services for students with disabilities or who are gifted; an evaluation of the efficacy of specific practices; definitions of terms; and a plan for delivering services.
The policy must, without limitation: provide for initial identification of English learners; provide for periodic assessment of English learners; and provide for the reassessment of English learners.
The policy must, without limitation: ensure that human resources decisions are made with the intent to eliminate gaps in achievement; and identify professional development for teachers and administrators relating to English learners.
The policy must, without limitation: provide for the selection of evidence-based content and English language development curriculum; and identify the models of instruction and methods for delivering instruction that will be used to eliminate gaps in achievement.
The policy must, without limitation: ensure opportunities for family engagement; provide for parent notifications in a language understood by the parent/legal guardian; and provide information to parents/legal guardians regarding other programs that are designed to improve English language acquisition and academic achievement.
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 January 18, 2018. 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 [Legislative webpage](#). 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.

12/15/17

BRIAN SANDOVAL
Governor
STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction

STATE OF NEVADA



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SMALL BUSINESS IMPACT STATEMENT

PURSUANT TO DATE: January 18, 2018

RE: Public Hearing to Solicit Public Comments Regarding Regulations
Concerning Amendments to NAC Chapter 388, Scheduled for January 18,
2018

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

1. The proposed new regulations to be added to NAC Chapter 388 concerning the policy that is to be developed by each local board of trustees for the instruction of English learners 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 provide specific criteria that are to be included in the policy for instruction of English learners.
2. A concerted effort was made to determine any economic burden. The Department of Education has relied upon input from participating schools and scholarship grant organizations during the first two years of the program instituted by Assembly Bill 165 (2015) as well on the expert knowledge of Department staff. The impact is solely on the schools and scholarship organizations participating in this program.
3. All relevant materials were reviewed and the Department considered its history with implementing similar regulations; the proposed changes are within the 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.

I hereby further certify that, to the best of my knowledge or believe, 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 blue ink that reads "Steve Canavero".

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction