

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 **August 17, 2017** 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 person on the following general topics to be addressed in a proposed regulation:

9:15 A.M. Workshop to Solicit Comments on Proposed new regulations to NAC Chapter 387; compliance of Senate Bill 178, AN relating to education; replacing the term “limited English proficient” with the term “English learner” for consistency with federal law; creating the Account for the New Nevada Education Funding Plan; providing for the distribution of money from the Account for the support of certain pupils who perform below a designated level of proficiency and are English learners or eligible for a free or reduced-price lunch; prescribing the purposes for which such money may be used; requiring the collection and reporting of certain information relating to the use of such money; requiring the Department of Education to contract with an independent consultant to research issues relating to certain categories of pupils; making appropriations; and providing other matters properly relating thereto.

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.

Proposed New Regulations to NAC Chapter 387

Data Analysis for the New Nevada Education Funding Plan

By July 1 of each year, the Nevada Department of Education is charged with determining the number of pupils in each public school who are English learners or are eligible for a free or reduced lunch who score in the bottom 25th percentile in proficiency, who are not enrolled in a Zoom or Victory school, and who do not have an individualized education plan (IEP).

NDE shall provide a per pupil amount of \$1,200 for each pupil identified to each school starting with funding 1-star schools and proceeding to 2-star schools and up until not all schools in the star range can be funded. NDE will rank the schools within the star range by the highest number of pupils identified and distribute funding until the funding is exhausted.

By July 15, NDE shall transfer money to districts and charter sponsors to serve identified students at identified schools. ***The Department shall determine proficiency for the July 15, 2017 allocation using the following criteria:***

- English Learners – WIDA Assessment
- K-3 – Smarter Balanced Extrapolation
- 4th through 9th grade – Smarter Balanced
- 10th grade – EOC Math I
- 11th through 12th grade – Credit Deficiency

The Department shall determine proficiency for future allocations using the following criteria:

1. Business Rules for data analysis to determine eligible schools

- Validation Day data set of current year used to identify pupils receiving by “FRL” and “EL” and not receiving IEP services. Only EL and FRL students counted with following logic:
 - Group 1: For EL only group (ELL=Y & IEP=N)
 - Group 2: For FRL only group (FRL=Y & ELL=N & IEP=N)
- Assessment results from previous school year used to identify the twenty fifth percentile by each grade level for State assessments
- Zoom or Victory Schools excluded from the data set
- Pupils in the 11 grade who earned less or equal to 17 were identified as credit deficient
- Pupils in the 12 grade who earned less or equal to 23.5 were identified as credit deficient
- Star Schools ratings applied to the final data set when calculating total enrollment by each school (One Star Schools, Two Start Schools, Three Star Schools, Four Star Schools, Five Star Schools)
- The total count of eligible students is determined for schools at each star rating. If an analysis determines that fewer than the allowable 30,000 students are be identified at the 1- and 2-star levels; so, the count of eligible students at 3-star schools are rank ordered and included in the set of funded schools until a total of 30,000 students are included.
 - Note – in order for the count to equal 30,000, it may be necessary to adjust the count of students at the last identified school.
- The 25th percentile was calculated for 4th grade and same number of students added for K-3
- The total FRL and EL population for funding should not exceed thirty thousand pupils statewide

2. Data Sets

- Validation Day data of current year
- Zoom and Victory school list from previous year
- Assessment results from previous year: Math and ELA Smarter Balanced assessments or State Board of Education approved Summative Math and ELA assessment
- Assessment results from previous year: TBD as per future AB 7 regulations pertaining to End of Course assessments and ACT assessments
- Assessment results from previous year: WIDA assessment results using Composite(Overall)Scale Score or State Board of Education approved English Language assessment
- Assessment results from the previous year when available: K-3 Reading assessment, MAPS; data to first be available in 2018
- Credit Deficient data from previous year
- Most recent Star Rating data

3. Credit Deficiency

- Pupils in the 11 grade who earned less or equal to 17 identified as credit deficient
- Pupils in the 12 grade who earned less or equal to 23.5 identified as credit deficient
- Public school LEAs and charter schools submit total credits earned and demography for 11th and 12th graders at the end of the school year
- File analyzed to determine the 25th percentile of credits earned for 11th and 12th graders respectively
- Students in the 25th percentile are flagged in the data file and sorted in to two groups, EL and FRL
 - Students in the EL group are not IEP.
 - Students in the FRL group are not IEP and not EL.
- Student counts in these categories are determined separately and then combined

NEVADA DEPARTMENT OF EDUCATION
SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: July 24, 2017

RE: Workshop to Solicit Comments Regarding New Regulations to NAC Chapter 387.

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

1. The proposed new regulations added to NAC related to SB 178 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. The proposed new regulations add procedures for the Superintendent of Public Instruction to carry out an inspection of a provider of special education in certain circumstances.
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 blue ink that reads "Steve Canavero". The signature is fluid and cursive, with the first name "Steve" and last name "Canavero" clearly legible.

STEVE CANAVERO, Ph.D.
Superintendent of Public Instruction