

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

The Department of Education will hold a public hearing on **March 15, 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) 391.

9:15 A.M. Public Hearing and Possible Adoption of proposed regulation R138-17, amending NAC Chapter 391, relating to establishing the criteria and process that a school or school district must use when selecting an assessment for certain purposes relating to the evaluation of teachers and administrators; removing a reference to the use of statewide examinations and assessments for that purpose.

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

1. The proposed amendments revise the language for establishing the criteria and process that a school or school district must use when selecting an assessment for certain purposes relating to the evaluation of teachers and administrators; removing a reference to the use of statewide examinations and assessments for that purpose; and providing other matters properly relating thereto, as required in Assembly Bill 320 (Chapter 391, Statutes of Nevada 2017).
2. The proposed regulations are to be adopted to provide language on the degree to which the assessment aligns with the following: the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and the curriculum and instruction required for the standards adopted by the State Board; and whether the assessment is appropriately rigorous to determine pupil achievement in the intended subject areas; and the validity and reliability of the assessment.
There is no economic effect of the regulation on the business that it regulates and no impact on the public.
3. The estimated cost to the agency for enforcement of the proposed regulation is none.
4. There is no duplication or overlap of regulations of state or local government agencies.
5. This regulation is not required pursuant to federal law.
6. There is no federal law affecting or overlapping the proposed regulations.
7. 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 by March 8, 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 [Nevada Legislature](http://NevadaLegislature). 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.

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

STATE OF NEVADA



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

DATE: February 7, 2018

RE: Proposed additions to NAC 391 regarding teacher and administrator evaluations

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 permanent regulation additions to NAC 391 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 teacher and administrator evaluation.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed and the Department considered its history with implementing similar standards; 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.

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 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