

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
BOARD OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

October 6, 2022

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #R159-22

The Nevada State Board of Education will hold a public hearing **at 10:30 A.M. on Thursday, October 6, 2022** at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 388 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statutes 385.080, and 388.159.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 388.159, the Nevada State Board of Education shall prescribe by regulation:
 - *“Any training or professional development that a licensed teacher designated as a literacy specialist is required to successfully complete;*
 - *Any professional development that a teacher employed by a school district or charter school to teach at an elementary school is required to receive as developed by a licensed teacher designated as a literacy specialist in the subject area of reading; and*
 - *The duties and responsibilities of a licensed teacher designated as a literacy specialist.”*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The purpose of these regulations is to revise the requirements of certain licensed teachers to complete training or professional development; revising the duties and responsibilities of certain licensed teachers; replacing an obsolete term; and providing other matters properly relating thereto.
- 3.** The revised text of the proposed regulation is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 5. Methods used by the agency in determining the impact on a small business:** Small business are not

impacted by this regulation.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
7. **Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the State Board of Education, via email at NVBoardED@doe.nv.gov by telephone at (775)687-9224 or in person at the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Persons wishing to comment upon the proposed action of the State Board of Education may provide in-person testimony, submit written comment to the State Board of Education via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Comments may be submitted via email leading up to and for the duration of the hearing, and those submitted via mail must be received by the Department on or before October 5, 2022. A record of all submitted comments will be retained, and the State Board of Education will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the State Board of Education, and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: 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.

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

LCB File No. R159-22

September 16, 2022

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

AUTHORITY: §§ 1-3, NRS 385.080, 388.159.

A REGULATION relating to education; revising the requirements of certain licensed teachers to complete training or professional development; revising the duties and responsibilities of certain licensed teachers; replacing an obsolete term; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the principal of a public elementary school or a charter school to designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a literacy specialist to train and assist teachers at the school to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading. Existing law also requires the State Board of Education to adopt regulations prescribing: (1) any training or professional development that a literacy specialist must complete; (2) any professional development that a teacher employed by the school district or charter school to teach at an elementary school is required to receive from a literacy specialist; and (3) the duties and responsibilities of a literacy specialist. (NRS 388.159) Existing law requires the board of trustees of each school district and the governing body of each charter school to prepare and submit to the Department of Education for approval a plan to improve the literacy of pupils enrolled in an elementary school. (NRS 388.157)

Existing regulations require certain training or professional development for a learning strategist, including, among other requirements, training or professional development concerning: (1) standards for English language arts for kindergarten and grades 1, 2 and 3; (2) the Nevada State Literacy Plan; and (3) the statewide performance evaluation system adopted by the State Board. (NAC 388.662) **Sections 1-3** of this regulation change the title of a learning strategist to a literacy specialist to conform with existing law. **Section 1** removes the requirement for a literacy specialist to complete training or professional development concerning the statewide performance evaluation system. **Section 1** also revises requirements that a literacy specialist complete training or professional development concerning, among other requirements: (1) standards of content and performance for English language arts for all grades at an elementary school; (2) the current Nevada State Literacy Plan and the literacy plan prepared by the board of trustees of the school district or the governing body of the charter school where the

literacy specialist is employed; and (3) instruction and intervention in literacy for pupils who are English learners.

Existing regulations require a teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 to complete certain professional development provided by a learning strategist concerning, among other requirements: (1) standards for English language arts for kindergarten and grades 1, 2 and 3; and (2) the Nevada State Literacy Plan. (NAC 388.664) **Section 2** requires a teacher who is employed by a school district or charter school to teach elementary school pupils to complete professional development provided by a literacy specialist concerning, among other requirements: (1) standards of content and performance for English language arts for all grades at an elementary school; (2) the current Nevada State Literacy Plan and the literacy plan prepared by the board of trustees of the school district or the governing body of the charter school where the teacher is employed; and (3) instruction and intervention in literacy for pupils who are English learners.

Existing regulations prescribe the duties and responsibilities of a learning strategist. (NAC 388.666) **Section 3** adds to the duties and responsibilities of a literacy specialist that he or she must, among other requirements: (1) assist teachers at the school by implementing a support system for pupils who have been identified as deficient in the subject area of reading, including, without limitation, pupils who are reading below grade-level expectations; (2) support teachers in establishing plans to monitor the growth and increase the proficiency of pupils in reading; and (3) assist teachers and administrators in analyzing pupil data and the effectiveness of intervention services and intensive instruction.

Section 1. NAC 388.662 is hereby amended to read as follows:

388.662 A ~~learning strategist~~ *literacy specialist* shall complete training or professional development concerning:

1. The standards *of content and performance* for English language arts for ~~kindergarten and grades 1, 2 and 3 adopted by reference in NAC 389.232, 389.2418, 389.2431 and 389.247;~~ *all grades at an elementary school;*
2. The *current* Nevada State Literacy Plan, in the form most recently published by the Department, which may be obtained free of charge ~~at~~ *on* the Internet ~~address~~ *[http://www.doe.nv.gov/;](http://www.doe.nv.gov/)* *website maintained by the Department, and the plan prepared by the board of trustees of the school district or the governing body of the charter school where the literacy specialist is employed to improve the literacy of pupils as required by NRS 388.157;*

3. Evidence-based ~~[best practices]~~ *instructional resources and methods* for instruction and intervention ~~[concerning]~~ *in* literacy, including, without limitation, the instruction and intervention required by NRS 392.750 to 392.770, inclusive;

4. Methods for screening for and intervention concerning dyslexia and other reading disabilities, including, without limitation, the screening and intervention described in NRS 388.439, 388.441 and 388.443, the minimum standards prescribed by the State Board for the special education of pupils with dyslexia pursuant to NRS 388.419 and the Dyslexia Resource Guide published by the Department pursuant to NRS 388.447;

5. Using the assessments approved by the State Board in NAC 388.660;

6. Methods for ~~[effectively delivering and receiving constructive feedback;~~

~~—7.— Methods for assisting the board of trustees of a school district or the governing body of a charter school, as applicable, to prepare a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3, as required by NRS 388.157, that aligns with the Nevada State Literacy Plan;]~~ *using diagnostic and progress monitoring assessments;*

7. Guiding teachers in data analysis and data-based decision making to inform instruction;

8. ~~[The statewide performance evaluation system adopted by the State Board pursuant to NRS 391.465; and~~

~~—9.— The national]~~ *National* standards for coaching ~~[concerning]~~ *teachers in* literacy ~~[]~~ *instruction, including, without limitation, methods for effectively delivering and receiving feedback; and*

9. Evidence-based instructional resources and methods for instruction and intervention in literacy for pupils who are English learners.

Sec. 2. NAC 388.664 is hereby amended to read as follows:

388.664 A teacher who is employed by a school district or charter school to teach ~~[kindergarten or grade 1, 2, 3 or 4]~~ *elementary school pupils* shall complete professional development provided by a ~~[learning strategist]~~ *literacy specialist* concerning:

1. The standards *of content and performance* for English language arts for ~~[kindergarten and grades 1, 2 and 3 adopted by reference in NAC 389.232, 389.2418, 389.2431 and 389.247;]~~ *all grades at an elementary school;*

2. The *current* Nevada State Literacy Plan, in the form most recently published by the Department, which may be obtained free of charge ~~[at]~~ *on* the Internet ~~[address~~ [http://www.doe.nv.gov/;](http://www.doe.nv.gov/) *website maintained by the Department, and the plan prepared by the board of trustees of the school district or the governing body of the charter school where the teacher is employed to improve the literacy of pupils as required by NRS 388.157;*

3. Evidence-based ~~[best practices]~~ *instructional resources and methods* for instruction and intervention ~~[concerning]~~ *in* literacy, including, without limitation, the instruction and intervention required by NRS 392.750 to 392.770, inclusive;

4. Methods for screening for and intervention concerning dyslexia and other reading disabilities, including, without limitation, the screening and intervention described in NRS 388.439, 388.441 and 388.443, the minimum standards prescribed by the State Board for the special education of pupils with dyslexia pursuant to NRS 388.419 and the Dyslexia Resource Guide published by the Department pursuant to NRS 388.447;

5. Using the assessments approved by the State Board in NAC 388.660;

6. Methods for ~~[effectively delivering and receiving constructive feedback;]~~ *using diagnostic and progress-monitoring assessments;*

7. ~~[Using]~~ *Application of data ~~[concerning pupils to improve]~~ analysis and data-based decision-making strategies to inform* instruction ; ~~[concerning literacy; and]~~
8. ~~[Methods for maintaining collaborative and reflective communication.]~~ *Collaborative practices that focus on pupil learning by effectively participating in professional learning or coaching; and*
9. *Evidence-based instructional resources and methods for instruction and intervention in literacy for pupils who are English learners.*

Sec. 3. NAC 388.666 is hereby amended to read as follows:

388.666 A ~~[Learning strategist]~~ *literacy specialist* shall:

1. ~~[Assist and provide]~~ *Demonstrate* leadership ~~[to the board of trustees of a school district or the governing body of a charter school, as applicable, in preparing a plan to improve the literacy of pupils enrolled in kindergarten and grades 1, 2 and 3,]~~ *in instruction, intervention, assessment, professional learning and family engagement relating to literacy as outlined in a plan to improve the literacy of pupils* as required by NRS 388.157;
2. ~~[Provide]~~ *Assist teachers at the school where the literacy specialist is employed by implementing a system of support which includes, without limitation, various methods to provide literacy instruction, intervention services and intensive instruction for pupils who have been identified as deficient in the subject area of reading, including, without limitation, pupils who are reading below grade-level expectations;*
3. *Support teachers in establishing plans to monitor the growth and increase the proficiency of pupils in reading by regularly assessing the growth of pupils in any area of deficiency in reading, including, without limitation, reading below grade-level expectations;*

4. Collaborate with the principal of the elementary school where the literacy specialist is employed to develop a schedule of the professional development prescribed by NAC 388.664 for teachers ~~{}~~ and assist in providing such professional development;

~~{}~~ 5. Provide any necessary additional instruction to teachers and administrators concerning the assessments approved in NAC 388.660; ~~and~~

~~—4.}~~ 6. Provide instruction and support for the parents and guardians of pupils who have been identified as deficient in the subject area of reading ~~{}~~, *including, without limitation, pupils who are reading below grade-level expectations; and*

7. Assist teachers and administrators in analyzing pupil data and the effectiveness of intervention services and intensive instruction to make strategic and ongoing instructional decisions.