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November 3, 2022

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Temporary Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #T005-22

The Nevada State Board of Education will hold a public hearing at **4:00 P.M. on Thursday, November 3, 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 temporary amendment of regulations pertaining to Chapter 390.213 and 390.215 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statutes (NRS) 385.080 and 390.700.

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 390.700 (1) the State Board shall adopt regulations that prescribe the:
 - *“Courses of study for which an end-of-course final must be administered; and”*
 - *“Amount, expressed as a percentage of the pupil’s overall grade in the course of study or other weight, that the end-of-course final must comprise when determining the overall grade of a pupil in the course for which the end-of-course final is administered.”*(2) The State Board may:
 - *“Adopt regulations that prescribe the minimum score a pupil must attain on an end -of-course final to receive credit for the course of study for which the end-o-course final is administered.”*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The purpose of these regulations is to lower the currently required 20% of a student’s final course grade to 5 % of a student’s final course grade for the 2022-2023 school year; request that for 2022-2023 school year, only Math I, Integrated Math I, and ELA I-Reading Comprehension EOC assessments are administered, scored and used in a student’s final course grade. This change would remove the Math II, Integrated Math II, and ELA II exams from being administered in the 2022-2023 school year.

The revised text of the proposed regulation is attached to this notice.

- 3. 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.

4. **Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
5. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
6. **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.
7. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
8. **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.
9. **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 November 2, 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.

NAC 390.213 Courses for which end-of-course final must be administered. ([NRS 385.080, 390.700](#))

1. The Mathematics I end-of-course final must be administered for Algebra I or any other course for which the subject matter of the course is approved by the State Board pursuant to [NAC 390.215](#) as being aligned to the subject matter of the end-of-course final.
- ~~2. The Mathematics II end-of-course final must be administered for Geometry or any other course for which the subject matter of the course is approved by the State Board pursuant to [NAC 390.215](#) as being aligned to the subject matter of the end-of-course final.~~
3. The Integrated Mathematics I end-of-course final must be administered for Integrated Mathematics I or any other course for which the subject matter of the course is approved by the State Board pursuant to [NAC 390.215](#) as being aligned to the subject matter of the end-of-course final.
- ~~4. The Integrated Mathematics II end-of-course final must be administered for Integrated Mathematics II or any other course for which the subject matter of the course is approved by the State Board pursuant to [NAC 390.215](#) as being aligned to the subject matter of the end-of-course final.~~
5. The English I end-of-course final must be administered for English I or any other course for which the subject matter of the course is approved by the State Board pursuant to [NAC 390.215](#) as being aligned to the subject matter of the end-of-course final.

(Added to NAC by Bd. of Education by R097-17, eff. 1-30-2019)

NAC 390.215 Submission of list of courses aligned to end-of-course final; approval by Department and State Board; administration of end-of-course final for approved courses; percentage of overall grade of pupil that end-of-course final must comprise. ([NRS 385.080, 390.700](#))

1. On or before March 1 of each year, the board of trustees of each school district and the governing body of each charter school shall submit to the Department a list of courses offered in the school district or charter school that the board or governing body, as applicable, has determined to be aligned to the subject matter of each end-of-course final prescribed in [NAC 390.213](#).
2. On or before May 1 of each year, the Department shall:
 - (a) Determine whether each course on the list of courses submitted by a board of trustees or governing body pursuant to subsection 1 is aligned to the subject matter of each end-of-course final prescribed in [NAC 390.213](#);
 - (b) Submit the determinations made pursuant to paragraph (a) to the State Board for approval; and

- (c) Notify the board of trustees of each school district and the governing body of each charter school of the courses approved by the State Board pursuant to paragraph (b) as being aligned to the subject matter of each end-of-course final prescribed in [NAC 390.213](#).
- 3. The board of trustees of a school district or the governing body of a charter school shall administer an end-of-course final prescribed in [NAC 390.213](#) for each course approved by the State Board pursuant to paragraph (b) of subsection 2 as being aligned to the subject matter of the end-of-course final.
- 4. An end-of-course final must comprise:
 - (a) During the 2017-2018 school year, 0 to 100 percent of the overall grade of a pupil in the course for which the end-of-course final is administered, as prescribed by the board of trustees of the school district in which the pupil is enrolled;
 - (b) During the 2018-2019 school year, 10 percent of the overall grade of a pupil in the course for which the end-of-course final is administered;
 - ~~(c) During the 2019-2020 school year, 15 percent of the overall grade of a pupil in the course for which the end-of-course final is administered; and~~
 - ~~(d) During the 2020-2021 school year and each school year thereafter, 20 percent of the overall grade of a pupil in the course for which the end-of-course final is administered.~~
During the 2022-2023 school year, 5 percent of the overall grade of a pupil in the course for which the end-of-course final is administered.

(Added to NAC by Bd. of Education by R097-17, eff. 1-30-2019)