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June 12, 2024

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 #R064-24.

The Board will hold a public hearing **at 10:00 A.M. on Wednesday, June 12, 2024**, 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 389 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statutes 388.114, 389.021, 385.114, 388.360, 385.080, and 388.060.

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:

Updates are necessary to reflect language changes made by Assembly Bill No. 459 (2021) and the industry-recognized credentials need to reflect current credentials.

- 2. Description of the proposed regulation, or the subjects and issues involved:** 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.

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 Department 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 Department of Education may provide in-person testimony, submit written comment to the Department 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 June 11, 2024. A record of all submitted comments will be retained, and the Department 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.

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

LCB File No. R064-24

May 3, 2024

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

AUTHORITY: § 1, NRS 385.114 and 389.021; § 2, NRS 385.114 and 388.360; § 3, NRS 385.080, 385.114, 388.360 and 389.021.

A REGULATION relating to education; removing a course of study in employability skills as an elective course approved for public high schools; revising provisions governing the standards for instruction in employability skills in a course of study in program areas for programs of career and technical education; updating a reference to the Governor’s Office of Workforce Innovation and the statute requiring the Office to identify industry-recognized credentials; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations establishing the courses of study for the public schools in this State and the grade levels for which the courses of study apply. (NRS 385.114, 389.021) Existing law also designates the State Board as the state agency responsible for the administration of career and technical education in this State and authorizes the State Board to adopt regulations for the administration of programs of career and technical education. (NRS 388.360)

Existing regulations authorize a local school board to offer a course in employability skills as an elective course in a public high school and establish the standards of content and performance for such a course. (NAC 389.516, 389.555) Existing regulations also establish program areas for career and technical education and require courses of study in such program areas to include instruction in employability skills that meets the same standards of content and performance that are required for the elective course in employability skills. (NAC 389.800, 389.803)

Section 1 of this regulation removes employability skills as an approved elective course for public high schools in this State. **Section 3** of this regulation repeals the standards of content and performance for a course in employability skills. (NAC 389.555) **Section 2** of this regulation maintains the requirement that courses of study in a program area for a program of career and technical education include instruction in employability skills. (NAC 389.800) Because **section 3** repeals the standards of content and performance for a course of study in employability skills, existing regulations would require the State Board to establish the standards for the instruction in employability skills without the adoption of a regulation in the same manner that the State Board

establishes standards for other courses of study in program areas for programs of career and technical education. (NAC 389.803)

Existing regulations provide that the State Board will: (1) request the Superintendent of Public Instruction to present annually to the State Board the list of industry-recognized credentials identified by the Executive Director of the Office of Workforce Innovation; and (2) require school districts to report the number of pupils who earn those credentials. (NAC 389.800)

Section 2: (1) changes “Office of Workforce Innovation” to “Governor’s Office of Workforce Innovation” to reflect a name change made by Assembly Bill No. 459 of the 2021 Legislative Session; and (2) updates the reference to the section of the Nevada Revised Statutes requiring the Executive Director to identify those industry-recognized credentials. (Chapter 436, Statutes of Nevada 2021, at pages 2785-2800)

Section 1. NAC 389.516 is hereby amended to read as follows:

A local school board may offer the following courses of study as elective courses in a public high school:

1. Social studies, other than the course of study required by NAC 389.511.
2. The arts.
3. Business math.
4. ~~Employability skills.~~

~~5.]~~ Communications, which may include the courses of study described in NAC 389.556 and 389.558.

~~6.]~~ 5. Career and technical education, as described in NAC 389.800 and 389.803.

~~7.]~~ 6. Drivers’ education.

~~8.]~~ 7. World language.

~~9.]~~ 8. Work-based learning as described in NAC 389.562, 389.564, 389.566, 389.644 to 389.650, inclusive, and 389.825.

~~10.]~~ 9. Great Basin Native American languages.

Sec. 2. NAC 389.800 is hereby amended to read as follows:

1. Courses of study in career and technical education offered by the board of trustees of a school district in a program area for a program of career and technical education set forth in subsection 1 of NAC 389.803 must:

(a) Be based upon state standards and a written curriculum that has been developed in collaboration with representatives of the industry being studied to measure the competency of the pupil and which includes:

(1) The current skills and levels of performance necessary to perform the duties and tasks involved in being employed in the career field being taught or to support advancement in education and job training in a related career.

(2) Instruction which reinforces academic skills of reading, writing, speaking, listening, mathematics, science and using technology.

(b) Be designed to:

(1) Allow the pupil to pursue postsecondary academic options, career training or a recognized industry credential.

(2) Include pupils with disabilities.

(c) Provide the pupil with reasonable access to standard equipment used in the industry the pupil is studying.

(d) Include instruction in employability skills for career readiness ~~prescribed for the course of study in NAC 389.555~~ and measure the proficiency of the pupil in the standards prescribed for that ~~course of study~~ *instruction* through an assessment that measures proficiency in employability skills prescribed by the Department of Education.

(e) Require a pupil who completes the final course of instruction for a particular course of study in career and technical education to take an end-of-program assessment prescribed by the

Department of Education which measures the proficiency of the pupil in the course of study, if such an examination is available.

2. The teacher of a course of study in career and technical education shall:

(a) Possess a valid endorsement to his or her license for each industry in which he or she teaches a course of study.

(b) Use resources, materials and techniques which do not discriminate among pupils.

(c) Evaluate the pupil's achievement of the required goals in the course of study.

3. Each pupil enrolled in a course of study in career and technical education:

(a) Must be given the opportunity to participate in career and technical student organizations that are:

(1) Affiliated with state and national organizations;

(2) Associated with the industry the pupil is studying; and

(3) An integral part of the instructional program.

(b) Upon completion of the program, should be qualified to enter a higher level of training or to enroll in a program of postsecondary education without the necessity of repeating previously learned skills.

4. Each pupil who completes a course of study in career and technical education must be awarded a certificate which states that he or she has attained specific skills in the industry being studied if the pupil:

(a) Maintained at least a 3.0 grade point average, based on a 4.0 grading scale, for all units of credit applicable toward the course of study in career and technical education;

(b) Passed the assessment that measures proficiency in employability skills prescribed by the Department of Education pursuant to paragraph (d) of subsection 1; and

(c) Passed the end-of-program assessment prescribed by the Department of Education pursuant to paragraph (e) of subsection 1, if applicable.

5. Each school district shall submit to the Department of Education an annual report that lists the number of pupils to whom a certificate has been awarded pursuant to subsection 4.

6. The superintendent of each school district that establishes a program of career and technical education:

(a) Shall maintain a current and comprehensive inventory of all capital equipment, if any, maintained for each course offered in career and technical education;

(b) Shall establish a list of equipment that is comparable to that used in the related career fields in which a course of study is offered;

(c) Shall not allow the use in career and technical education of equipment or facilities which do not meet the generally applicable safety requirements, including those adopted to ensure occupational safety and health for that career field; and

(d) Shall adopt a written statement of philosophy for the program of career and technical education, which must include, without limitation, stated goals that such instruction will align to state standards and support advancement in education and job training in a related career.

7. The teacher of a course of study in career and technical education shall cooperate with the guidance counselor of each school to assist pupils to enroll in an appropriate course of study. The guidance counselor shall assist the pupil to achieve:

(a) An awareness of the opportunities for the development of technical and employability skills required in the various industries.

(b) An exploration of the pupil's abilities with his or her career interest.

(c) Completion of the course of study in career and technical education.

(d) Opportunities for continued career development, education and training.

8. The Department of Education shall request surveys to be taken of each pupil who has completed a course of study in career and technical education to determine the effectiveness of the program.

9. The State Board of Education will request the Superintendent of Public Instruction to present annually to the State Board the list of industry-recognized credentials identified by the Executive Director of the *Governor's* Office of Workforce Innovation pursuant to NRS ~~223.820~~ 232.975 and to require school districts to report the number of pupils who earn each of those credentials.

Sec. 3. NAC 389.555 is hereby repealed.

TEXT OF REPEALED SECTION

389.555 Employability skills for career readiness. (NRS 385.080, 385.110, 389.0185)

A course of study in employability skills for career readiness must include instruction designed to teach the pupil to do the following:

1. For the area of personal qualities and skills, demonstrate:

(a) A positive work ethic by coming to work on time each workday, being willing to follow directions and being motivated to accomplish each task.

(b) Integrity, honesty and reliability by abiding by applicable laws and workplace policies.

(c) Skills necessary for teamwork by contributing to the success of the workplace team, assisting coworkers and requesting help when needed.

(d) Positive self-representation by dressing appropriately for the workplace and using language and manners suitable for the workplace.

(e) Awareness of diversity in the workplace by working professionally with all customers and coworkers.

(f) Skills necessary for conflict resolution by negotiating diplomatic solutions to interpersonal and workplace issues.

(g) Creativity and resourcefulness by contributing new ideas to the workplace and working with initiative.

2. For the area of professional knowledge and skills, demonstrate:

(a) Effective speaking and listening skills by communicating effectively with customers and coworkers and by following directions.

(b) Effective reading and writing skills by reading and interpreting workplace documents and writing clearly.

(c) Skills of critical thinking and problem solving by analyzing and resolving problems that occur in the performance of assigned workplace tasks.

(d) Healthy behaviors and safety skills by managing personal health and following workplace safety guidelines.

(e) Understanding of workplace organizations, systems and climates by identifying overall workplace issues and fulfilling the mission of the workplace.

(f) Lifelong learning skills by continually acquiring new information related to the industry and improving professional skills.

(g) Skills necessary for the acquisition of a job and advancement in a job by preparing to apply for a job and seeking promotion in the job.

(h) Skills necessary for the management of time, tasks and resources by organizing and implementing a productive plan of work.

(i) Skills of mathematics necessary for the workplace by using mathematical reasoning to accomplish tasks in the workplace.

(j) Skills of customer service by identifying and addressing the needs of all customers and providing service in a helpful, courteous and knowledgeable manner.

3. For the area of technological knowledge and skills, demonstrate:

(a) Proficiency with technology that is specific to the job by selecting and safely using technological resources to accomplish workplace responsibilities in a productive manner.

(b) Proficiency with information technology by effectively using computers, techniques for file management and computer software programs.

(c) Proper and secure use of the Internet in a manner that is appropriate for the workplace.

(d) Proficiency with telecommunications by selecting and using technological devices, services and applications appropriate for the workplace.