

Joe Lombardo
Governor

Steve Canavero, Ph.D.
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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R110-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10AM on Wednesday, November 12, 2025**, available to stream online via [YouTube](#) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** NRS 388.419 states that *"the State Board shall prescribe minimum standards for the special education of pupils with disabilities and may prescribe minimum standards for the provision of early intervening services"* and NRS 388.519 states that *"the State Board shall...prescribe by regulation criteria for use by school employees and provers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including... children who are both deaf and blind."*
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation prescribes the criteria that an assessment to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of persons involved in the administration or interpretation of such an assessment. These regulations were informed by the Advisory Committee on Language Development for Children who are Deaf, Hard of Hearing, Blind, or Visually Impaired.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses 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 government agencies:** There is no duplication or overlap of regulations of state and local government agencies.
8. **Whether the regulation is required by federal law:** Related to IDEA provisions.
9. **Whether the regulation is more stringent than federal regulations regarding the same activity:** No.
10. **Whether the proposed regulation establishes a new fee or increase an existing fee:** No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations 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>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall 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. R110-24

July 26, 2024

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

AUTHORITY: § 1, NRS 388.419 and 388.519.

A REGULATION relating to education; prescribing requirements governing assessments of the development of language and literacy skills in certain children with disabilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to prescribe by regulation criteria for school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired. (NRS 388.519) This regulation prescribes: (1) the criteria that such an assessment must satisfy; and (2) the required qualifications of persons involved in the administration or interpretation of such an assessment. This regulation also requires a school employee or a provider of services that administers such an assessment, or the employer thereof, to provide the results of the assessment to the parent or legal guardian of the child who was assessed in a prompt and accessible manner.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto a new section to read as follows:

1. When evaluating the development of language and literacy skills by a child who is less than 6 years of age who is deaf, hard of hearing, blind or visually impaired, a school employee or a provider of services shall use a formal assessment that:

(a) Evaluates the language and literacy strengths and abilities of the child and compare his or her results with the expected skills of children in the relevant age group;

(b) Measures language and literacy skills in accordance with standards designed for the target population of the assessment;

(c) Uses criteria for and methods of evaluation that:

(1) Are culturally sensitive, developmentally appropriate and individualized according to the primary mode of communication of the child and his or her parent or legal guardian; and

(2) Holistically consider the development of language and literacy skills of the child relative to such development of children in his or her community; and

(d) Is selected in consultation with the family of the child.

2. Any person who is responsible for administering or interpreting an assessment pursuant to this section must be trained in the specific assessment and:

(a) If the person is a school employee, hold a license or endorsement that is appropriate for his or her role in administering or interpreting the assessment; or

(b) If the person is an employee of another provider of services, satisfy the requirements for his or her role in administering or interpreting the assessment, as set forth by his or her employer.

3. A school employee or a provider of early intervention services that administers an assessment pursuant to this section, or the employer thereof, shall, upon completion of such an assessment, promptly make the results of the assessment available to the parent or legal guardian of a child who undergoes the assessment. The results of the assessment must be provided in a format that is appropriate for the parent or legal guardian, based upon his or her primary mode of communication.

4. As used in this section:

(a) “Primary mode of communication” means the method by which a person most often communicates. The term may include, without limitation, spoken or written English, visual supplements, American Sign Language or Braille.

(b) “Provider of early intervention services” means a person or entity that provides early intervention services through the Aging and Disability Services Division of the Department of Health and Human Services to:

(1) A child who is less than 3 years of age and has developmental delays or disabilities;
and

(2) The parent or legal guardian of a child described in subparagraph (1).

(c) “Provider of services” includes, without limitation, a provider of early intervention services.

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R111-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:01AM** on **Wednesday, November 12, 2025**, available to stream online via [YouTube](https://www.youtube.com) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** NRS 388.419 states that *"the State Board shall prescribe minimum standards for the special education of pupils with disabilities and may prescribe minimum standards for the provision of early intervening services."*
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation revises the definition "visual impairment" and authorizes a pupil with a visual impairment that does not meet certain criteria to be eligible for special education services should they need them.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses 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 government agencies:** There is no duplication or overlap of regulations of state and local government agencies.
- 8. Whether the regulation is required by federal law:** Related to IDEA provisions.
- 9. Whether the regulation is more stringent than federal regulations regarding the same**

activity: No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

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Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall 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. R111-24

June 26, 2024

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

AUTHORITY: § 1, NRS 385.080; §§ 2-4, NRS 385.080 and 388.419.

A REGULATION relating to education; revising the criteria for a pupil with a visual impairment to be eligible for special education and related services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to prescribe minimum standards for the special education of pupils with disabilities. (NRS 388.419) Existing regulations set forth the medical requirements that a pupil must satisfy for the pupil to be considered to have a severe or moderate visual impairment or to have deaf-blindness, and therefore be eligible for special education and related services. (NAC 388.395, 388.427) Existing regulations define the term “visual impairment” to mean an impairment in vision which, despite correction, adversely affects or will adversely affect the ability of a pupil to benefit from or participate in an educational program without assistance of special education. (NAC 388.141) **Section 1** of this regulation expands that definition to include any impairment in vision which adversely affects the educational performance of a pupil. **Sections 2 and 4** of this regulation authorize a pupil with a visual impairment that does not meet the criteria established in existing regulations to nonetheless be eligible for special education or related services if, because of the visual impairment, the pupil needs special education or related services. **Section 3** of this regulation makes a conforming change to update internal references changed by **section 2**.

Section 1. NAC 388.141 is hereby amended to read as follows:

388.141 “Visual impairment” means an impairment in vision which, ~~[despite]~~ *even with* correction, adversely affects ~~[or will adversely affect]~~ the ~~[ability]~~ *educational performance* of a pupil . ~~[to benefit from or participate in an educational program without the assistance of special education.]~~ *The term includes, without limitation, partial sight or blindness.*

Sec. 2. NAC 388.395 is hereby amended to read as follows:

388.395 1. A pupil with a severe visual impairment is eligible for special education and related services if the eligibility team, comprised of the persons described in subsections ~~4 and 5~~ *5 and 6*, concludes that the pupil has a severe visual impairment and, by reason thereof, needs special education and related services . ~~and that~~ *A pupil has a severe visual impairment if any one or more of the following criteria are satisfied:*

- (a) The visual acuity of the pupil does not exceed 20/200 in the better eye;
- (b) The vision of the pupil in the better eye is restricted to a field which subtends an arc of not more than 20 degrees; or
- (c) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be one or both of the conditions described in paragraphs (a) and (b).

2. A pupil with a moderate visual impairment is eligible for special education and related services if the eligibility team , *comprised of the persons described in subsections 5 and 6*, concludes that the pupil can use vision as the main channel of learning, that the pupil has a moderate visual impairment and, by reason thereof, needs special education and related services . ~~and that~~ *A pupil has a moderate visual impairment if any one or more of the following criteria are satisfied:*

- (a) The visual acuity of the pupil is 20/70 or less in the better eye with the best possible correction; or
- (b) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be the condition described in paragraph (a).

3. *A pupil has a visual impairment and is eligible for special education and related services if an eligibility team, comprised of the persons described in subsections 5 and 6,*

concludes that the pupil has a visual impairment not described in subsection 1 or 2 and, by reason thereof, needs special education or related services.

4. A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special education and related services referred to in this section.

~~14.1~~ 5. The eligibility team may include a teacher or specialist in the field of vision impairment and must consist of a parent of the pupil and not fewer than three persons with expertise in one or more of the following areas:

- (a) Vision.
- (b) Vision impairment.
- (c) The interpretation of an assessment of health or academic achievement.

~~15.1~~ 6. If the requirements of subsection ~~14.1~~ 5 are satisfied, one or more of the following persons may serve on the eligibility team:

- (a) A regular classroom teacher of the pupil or, if none, a person qualified to teach the pupil.
- (b) If not otherwise a member of the team, one or more persons qualified to interpret an assessment of the social or emotional condition of the pupil or of the cognitive abilities of the pupil.

~~16.1~~ 7. The conclusions of the eligibility team concerning the eligibility of the pupil for the special education and related services referred to in this section must be based upon an evaluation of the pupil. The evaluation must include:

- (a) A comprehensive examination of vision of the pupil, performed by an eye specialist; and
- (b) An assessment of the health and academic achievement of the pupil.

~~17.1~~ 8. If the requirements of subsection ~~16.1~~ 7 are satisfied, the evaluation of the pupil may include an assessment of the pupil's cognitive abilities and social and emotional condition.

Sec. 3. NAC 388.425 is hereby amended to read as follows:

388.425 1. A pupil with multiple impairments is eligible for special education and related services if the pupil meets the requirements for eligibility set forth in NAC 388.410 for pupils with intellectual disabilities and the eligibility team, comprised of the persons described in subsection 2, concludes that the pupil meets the requirements for eligibility for any additional disabling condition, other than a specific learning disability, developmental delay, deaf-blindness or a speech and language impairment, set forth in NAC 388.330 to 388.440, inclusive.

2. The eligibility team must consist of:

(a) The persons described in subsection 5 of NAC 388.410; and

(b) To the extent their presence on the team is not provided for by paragraph (a), the persons included on the team pursuant to:

(1) Subsection 2 of NAC 388.387;

(2) Subsections 5 and 6 of NAC 388.390;

(3) Subsections ~~14~~ 5 and ~~15~~ 6 of NAC 388.395;

(4) Subsection 3 of NAC 388.400;

(5) Subsection 3 of NAC 388.402;

(6) Subsection 2 of NAC 388.407; or

(7) Subsection 4 of NAC 388.415,

↪ whichever applies.

3. The conclusions of the eligibility team concerning the eligibility of the pupil for the special education and related services referred to in this section must be based upon an evaluation of the pupil. The evaluation must include an assessment of:

(a) The information described in subsection 7 of NAC 388.410; and

(b) To the extent its assessment is not provided for by paragraph (a), the information included in the assessment pursuant to:

- (1) Subsection 3 of NAC 388.387;
- (2) Subsections 7 and 8 of NAC 388.390;
- (3) Subsections ~~16~~ 7 and ~~17~~ 8 of NAC 388.395;
- (4) Subsections 4 and 5 of NAC 388.400;
- (5) Subsections 4 and 5 of NAC 388.402;
- (6) Subsections 3 and 4 of NAC 388.407; or
- (7) Subsection 5 of NAC 388.415,

↪ whichever applies.

Sec. 4. NAC 388.427 is hereby amended to read as follows:

388.427 1. A pupil with deaf-blindness is eligible for special education and related services if the eligibility team, comprised of the persons described in subsections 4 and 5, concludes that:

(a) The pupil has a hearing impairment which satisfies any one or more of the following criteria:

(1) The pupil has an average hearing threshold level, at 500, 1,000 and 2,000 Hz, of 26 decibels or more; or

(2) The pupil suffers from a progressive deterioration of the pupil's hearing, the probable result of which will be the condition described in subparagraph (1);

(b) The pupil has a visual impairment which satisfies ~~one or more of~~ the ~~following~~ criteria
~~f~~

~~—— (1) The visual acuity of the pupil does not exceed 20/70 in the better eye with the best possible correction;~~

~~—— (2) The vision of the pupil in the better eye is restricted to a field which subtends an arc of not more than 20 degrees; or~~

~~—— (3) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be one or more of the conditions described in subparagraphs (1) and (2);~~ *set forth in NAC 388.395; and*

(c) By reason thereof, the pupil needs special education and related services.

2. A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special education and related services referred to in this section.

3. A pupil with deaf-blindness may have other disabling conditions in addition to deaf-blindness.

4. The eligibility team must consist of:

(a) A teacher of special education or a regular classroom teacher of the pupil or, if none, a person qualified to teach the pupil;

(b) A speech and language specialist;

(c) A person qualified to interpret an assessment of the health of the pupil;

(d) A parent of the pupil; and

(e) If not otherwise a member of the team, one or more persons qualified to interpret the comprehensive audiological and vision examinations required by subsection 6.

5. If the requirements of subsection 4 are satisfied, the eligibility team may include one or more persons qualified to interpret an assessment of the social or emotional condition of the pupil or of the cognitive abilities of the pupil.

6. The conclusions of the eligibility team concerning the eligibility of the pupil for the special education and related services referred to in this section must be based upon an evaluation of the pupil. The evaluation must include:

- (a) A comprehensive audiological examination, including pure tone and speech discrimination tests, performed by an audiologist;
- (b) An assessment of the:
 - (1) Health of the pupil;
 - (2) Academic achievement of the pupil; and
 - (3) Speech and language of the pupil; and
- (c) A comprehensive examination of vision of the pupil, performed by an eye specialist.

7. If the requirements of subsection 6 are satisfied, the evaluation of the pupil may include an assessment of the pupil's cognitive abilities and social and emotional condition.

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R023-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:03AM on Wednesday, November 12, 2025**, available to stream online via [YouTube](https://www.youtube.com) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** NRS 388.5267 states that *"the State Board shall prescribe minimum standards for the special education of gifted and talented pupils"*.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation revises the standards for determining the eligibility of pupils for special services and programs of instruction for gifted and talented students.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses 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 government agencies:** No duplicative or overlapping regulations.
- 8. Whether the regulation is required by federal law:** No.
- 9. Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

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Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall 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. R023-25

October 6, 2025

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

AUTHORITY: § 1, NRS 385.080, 388.5259 and 388.5267.

A REGULATION relating to education; revising the requirements governing eligibility for special services and programs of instruction for pupils who are gifted and talented; revising requirements relating to the minimum amount of differentiated educational activities in which such pupils must participate; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a child to undergo an examination to determine the extent to which the child deviates from normal patterns of growth and development before placement in a special program for gifted and talented pupils. (NRS 388.5259) Existing regulations prescribe standards for determining the eligibility of pupils for special services and programs of instruction for gifted and talented pupils. (NAC 388.435) This regulation revises those standards by: (1) eliminating the requirement that certain tests used to demonstrate the intellectual ability or academic aptitude of a pupil in a specific area be individually administered; (2) removing references to certain nationally standardized achievement tests; and (3) eliminating language providing that a pupil who is less than 6 years of age is not ineligible for such services and programs solely because of age.

Existing regulations authorize the use of alternative assessment procedures in determining eligibility for gifted and talented services and programs for certain pupils. (NAC 388.435) This regulation revises the terminology used to refer to the categories of pupils to whom such procedures may apply.

Existing law requires the State Board of Education to prescribe minimum standards for the special education of gifted and talented pupils. (NRS 388.5267) This regulation revises those standards by requiring a pupil who is gifted and talented to participate in not less than 600 minutes of differentiated educational activities each month, rather than 150 minutes each week. (NAC 388.435)

Section 1. NAC 388.435 is hereby amended to read as follows:

388.435 1. Except as otherwise provided in subsection 2, a pupil who is gifted and talented is eligible for special services and programs of instruction if a team, comprised of persons selected by the public agency, concludes that the pupil has:

(a) General intellectual ability or academic aptitude in a specific area that is demonstrated by a score at or above the 98th percentile:

- (1) On a test of cognitive ability ~~{that is individually administered;}~~ ; *or*
- (2) In a major content area on a nationally standardized achievement test ; ~~{that is individually administered in kindergarten through eighth grade;}~~ or
- ~~{(3) In a major content area on a nationally standardized achievement test,~~
~~→ the Preliminary Scholastic Aptitude Test (PSAT), the Scholastic Aptitude Test (SAT) or the American College Test (ACT) that is administered to a group of students for grades 9 through 12, inclusive; or}~~

(b) An area of talent, including, but not limited to, creative thinking, productive thinking, leadership, ability in the visual arts or ability in the performing arts, as determined by the local public agency of the pupil.

2. In determining the eligibility of a pupil for the special services and programs of instruction referred to in this section, the team may use alternative assessment procedures for a pupil ~~{from another culture;}~~ *who is an English learner*, a pupil who is ~~{environmentally or economically deprived}~~ *experiencing environmental or economic disadvantage* or a pupil who has a disability.

3. ~~{A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special services and programs referred to in this section.~~

~~—4.1~~ The conclusions of the team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the talent, cognitive abilities or academic achievement of the pupil.

~~15.1~~ 4. Unless the pupil's individualized educational program otherwise provides, a pupil who is gifted and talented must participate in not less than ~~150~~ 600 minutes of differentiated educational activities each ~~week~~ month during the school year.

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R094-24 by the Nevada State Board of Education

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

- 1. The need and purpose of the proposed regulations and/or amendments:** NRS 385.114 states that the "*State Board to prescribe and cause enforcement of courses of study for public schools*"; NRS 394.221 states that "*The Board shall adopt regulations governing the administration of the Private Elementary and Secondary Education Authorization Act*" and NRS 394.241 requires "*Maintenance and operation in compliance with minimum standards; accreditation as evidence of compliance*".
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation updates references to AdvanceEd with Cognia as an organization that provides accreditation.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses 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 government agencies:** No duplicative or overlapping regulations.
- 8. Whether the regulation is required by federal law:** No.
- 9. Whether the regulation is more stringent than federal regulations regarding the same**

activity: No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

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Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall 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. R094-24

June 6, 2024

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

AUTHORITY: § 1, NRS 385.080 and 385.114; §§ 2 and 3, NRS 385.080, 394.221 and 394.241.

A REGULATION relating to education; replacing AdvancED with Cognia as an organization that provides accreditation to secondary educational institutions that provide certain correspondence courses and to private elementary and secondary educational institutions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to prescribe and cause to be enforced the courses of study for the public schools of this State. (NRS 385.114) Existing regulations require a school district to grant a pupil credit toward graduation from high school or toward completion of an adult high school program, as applicable, if the pupil successfully completes a correspondence course that is equivalent to a course offered in the regular program in the school district and the correspondence course is provided by an accredited secondary educational institution. (NAC 389.680) **Section 1** of this regulation replaces AdvancEd with Cognia as one of the entities authorized to provide such accreditation because, in 2018, AdvancEd merged with Measured Progress to become Cognia.

Existing law requires a private elementary or secondary educational institution desiring to operate in this State to obtain a license from the State Board. (NRS 394.251) Existing regulations establish different requirements for such a license based on whether or not the applicant for the license is accredited by AdvancEd or its successor organization. (NAC 394.025) **Sections 2 and 3** of this regulation replace AdvancEd with Cognia because of the merger of AdvancEd with Measured Progress to create Cognia. (NAC 394.025, 394.200)

Section 1. NAC 389.680 is hereby amended to read as follows:

389.680 1. A school district may, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school or toward

completion of an adult high school program for his or her successful completion of a correspondence course if:

(a) The course is provided by a secondary educational institution which is approved by the State Board of Education; and

(b) The course is equivalent to a course offered in a regular program in the school district or a course offered in an adult high school program in the school district, as applicable.

2. A school district shall, in accordance with policies developed by the board of trustees of the school district, grant a pupil credit toward graduation from high school or toward completion of an adult high school program, as applicable, for his or her successful completion of a correspondence course if:

(a) The course is provided and credit was issued by a secondary educational institution which is accredited by:

(1) The Middle States Association of Colleges and Schools;

(2) The New England Association of Schools and Colleges;

(3) The North Central Association of Colleges and Schools;

(4) ~~AdvancED~~ *Cognia* or its successor organization, or any affiliate thereof;

(5) The Southern Association of Colleges and Schools; or

(6) The Western Association of Schools and Colleges; and

(b) The course is equivalent to a course offered in a regular program in the school district or a course offered in an adult high school program in the school district, as applicable.

Sec. 2. NAC 394.025 is hereby amended to read as follows:

394.025 1. An applicant that is not accredited by ~~{AdvaneED}~~ *Cognia* or its successor organization, or any affiliate thereof, shall comply with the provisions of NAC 394.020, 394.030 to 394.180, inclusive, and 394.250 to 394.265, inclusive.

2. An applicant that is accredited by ~~{AdvaneED}~~ *Cognia* or its successor organization, or any affiliate thereof, shall comply with the provisions of NAC 394.020 and 394.200 to 394.265, inclusive.

Sec. 3. NAC 394.200 is hereby amended to read as follows:

394.200 An applicant shall submit to the Department, on a form prescribed by the Department:

1. Documentation sufficient to verify the accreditation of the private school by ~~{AdvaneED}~~ *Cognia* or its successor organization, or any affiliate thereof.

2. A copy of the articles of incorporation for the private school, the bylaws for the private school or other documentation acceptable to the Department which sets forth the purpose of the private school.

3. Documentation which indicates that the facility occupied by the private school has been inspected and meets the requirements of applicable building codes, codes for the prevention of fire and codes pertaining to safety, health and sanitation.

4. Documentation which indicates that an owner or administrator of the private school has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.

5. If the private school uses motor vehicles for the transportation of pupils, evidence of compliance with NRS 394.190.

6. Plans, blueprints or line drawings which describe in detail the facilities in which the private school will operate. “As-built” drawings must be submitted for existing facilities.
7. Evidence that a surety bond or certificate of deposit has been filed pursuant to NRS 394.271.
8. If the application is submitted by a nonprofit organization, evidence of an official declaration of tax-exempt status by the Internal Revenue Service.
9. The policies and regulations of the private school concerning the requirements for the enrollment and entrance of pupils, which must be clearly stated in the applicable literature.
10. A statement of assurance that pupils will be admitted to the private school without regard to race.
11. A statement of the policies and regulations of the private school relating to the conduct and behavior of pupils. Procedures for the dismissal of pupils must comply with the requirements of due process of law.
12. Three local references attesting to the character and reputation of the owner or chair of the board of trustees of the private school.

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R196-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:05AM** on **Wednesday, November 12, 2025**, available to stream online via [YouTube](https://www.youtube.com) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** Senate Bill 460 (2025) made changes regarding assessments for use in assessing the proficiency in reading of pupils enrolled in an elementary school. NRS 385.080 empowers the State Board to develop regulations.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation conforms to changes within SB460 (2025) regarding early literacy assessments.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses 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 government agencies:** No duplicative or overlapping regulations.
- 8. Whether the regulation is required by federal law:** No.
- 9. Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations 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>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall 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. R196-24

July 29, 2025

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

AUTHORITY: §§ 1-3, NRS 385.080 and 388.159; § 4, NRS 385.080 and 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395.

A REGULATION relating to education; repealing provisions approving certain assessments for use in assessing the proficiency in reading of pupils enrolled in an elementary school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Education to adopt regulations as necessary for the execution of its powers and duties. (NRS 385.080) Before the enactment of Senate Bill No. 460 (S.B. 460) of the 2025 Legislative Session, existing law required the board of trustees of a school district and the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school, and, in relevant part, required that the plan include procedures to assess the proficiency of a pupil in reading by using assessments approved by the State Board. (NRS 388.157, as that section existed before July 1, 2025) Existing regulations set forth the assessments approved by the State Board for this purpose. (NAC 388.660)

S.B. 460 removed the requirement that such assessments be approved by the State Board, thereby authorizing the board of trustees of a school district or the governing body of a charter school, as applicable, to include in the plan any valid and reliable standards-based assessment to assess proficiency in reading. Additionally, S.B. 460 authorizes the Department of Education to prescribe the assessment which must be used in a school district or charter school if an assessment was not included in the plan. (NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395)

Section 4 of this regulation repeals the provisions concerning the assessments approved by the State Board. **Sections 1-3** of this regulation make conforming changes to reflect the repeal of the provisions in **section 4**.

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

388.662 A literacy specialist shall complete training or professional development concerning:

1. The standards of content and performance for English language arts for 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 on the Internet 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 ~~§~~, *as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*
3. Evidence-based instructional resources and methods for instruction and intervention 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;~~ *administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*
6. Methods for using diagnostic and progress monitoring assessments;
7. Guiding teachers in data analysis and data-based decision making to inform instruction;

8. National standards for coaching 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 elementary school pupils shall complete professional development provided by a literacy specialist concerning:

1. The standards of content and performance for English language arts for 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 on the Internet 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 ~~HB~~, *as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*

3. Evidence-based instructional resources and methods for instruction and intervention 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;]~~ *administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*

6. Methods for using diagnostic and progress-monitoring assessments;

7. Application of data analysis and data-based decision-making strategies to inform instruction;

8. 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 literacy specialist shall:

1. Demonstrate leadership 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 ~~[H]~~, *as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*

2. 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;~~ *administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*
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.

Sec. 4. NAC 388.660 is hereby repealed.

TEXT OF REPEALED SECTION

388.660 **Approved assessments for assessing pupil's proficiency in subject area of reading. (NRS 385.080, 388.157)** For the 2017-2018 school year and each school year thereafter, the State Board hereby approves the following as assessments for assessing a pupil's proficiency in the subject area of reading:

1. The Brigance Early Childhood Screen III: K & 1 published by Curriculum Associates;
and
2. The Measures of Academic Progress (MAP) assessment published by the Northwest Evaluation Association.

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R137-23 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:06AM** on **Wednesday, November 12, 2025**, available to stream online via [YouTube](https://www.youtube.com) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 391A.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** NRS 391A.370 states that *"the State Board shall adopt regulations prescribing standards for the professional development training provided to teachers and administrators employed by a school district or charter school"*.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation revises professional development standards.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses 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 government agencies:** No duplicative or overlapping regulations.
- 8. Whether the regulation is required by federal law:** No.
- 9. Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

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

LCB File No. R137-23

June 10, 2025

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

AUTHORITY: § 1, NRS 385.080 and 391A.370.

A REGULATION relating to education; revising the standards for professional development training provided to teachers and administrators employed by a school district or a charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations to prescribe the standards for the professional development training provided to teachers and administrators employed by a school district or charter school. (NRS 391A.370) This regulation revises those standards. (NAC 391A.300)

Section 1. NAC 391A.300 is hereby amended to read as follows:

391A.300 1. In developing, implementing and evaluating professional development training for teachers and administrators, a regional training program for the professional development of teachers and administrators, a school district or a charter school of this State, as applicable, must use the standards prescribed in subsection 2.

2. Professional development training for teachers and administrators employed by a school district or a charter school must ~~+~~

~~—(a) Provide~~ *provide* learning experiences for teachers and administrators that increase the effectiveness of teachers and administrators and improve the results for all pupils ~~and align~~ *and align with the following standards:*

(a) Providing professional learning for each teacher and administrator that is aligned to standards, guidelines and research specific to the role of the teacher or administrator and the content knowledge relevant to that role;

~~(b) Occur within learning communities committed to continuous improvement, collective responsibility and alignment with goals;~~

~~—(c) Be provided~~ *Provision of professional learning* by *knowledgeable and* skillful ~~leaders~~ *facilitators* who develop capacity within, advocate for and create systems of support for learning by teachers and administrators;

~~[(d) Prioritize, monitor and coordinate resources for teacher or administrator learning;~~

~~—(e)]~~ *(c) Setting the expectation that professional learning ensures that all pupils have access to an education that is rigorous and inclusive of race, gender, ethnicity, language, ability and other aspects of identity;*

(d) Use of a variety of sources and types of pupil data, teacher or administrator data and other data deemed appropriate to plan, assess and evaluate learning by teachers and administrators;

~~[(f) Integrate theories, research and models of human learning to achieve the outcome intended;~~

~~—(g) Apply research on change and sustain support for implementation of learning by teachers and administrators for long-term change;~~

~~—(h) Align outcomes with the performance of a teacher or administrator and curriculum standards required for a pupil;~~

~~—(i)~~ *(e)* Focus on equitable access, opportunities and outcomes with an emphasis on achievement and disparity of opportunities between groups of pupils; ~~and~~

~~—(j) Facilitate~~ *(f) Use of learning theories in the design of learning and match appropriate learning designs to teacher and administrator learning goals;*

(g) Sustaining learning through opportunities for practice, feedback and follow-up;

(h) Focusing professional learning skills and knowledge needed to implement high-quality curriculum, instructional materials and aligned assessments;

(i) Creating and supporting a culture where professional learning connects to opportunities for and access to a rigorous education for each pupil; and

(j) Facilitating the self-examination by a teacher or administrator of his or her awareness, knowledge, skills and actions that pertain to culture and how he or she can develop culturally responsive strategies to enrich educational experiences for all pupils.

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R050-24P by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:07AM** on **Wednesday, November 12, 2025**, available to stream online via [YouTube](https://www.youtube.com) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** NRS 389.0095 states that *"the State Board shall adopt regulations that require each public school to establish and carry out a plan to identify pupils in grades 3-12... for placement in more rigorous courses in mathematics, English language arts, science, and social studies."*
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses 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 government agencies:** No duplicative or overlapping regulations.
- 8. Whether the regulation is required by federal law:** No.
- 9. Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations 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>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall 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. R050-24

May 13, 2024

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

AUTHORITY: § 1, NRS 385.080, 389.0095 and 389.021.

A REGULATION relating to education; requiring the board of trustees of each school district and the governing bodies of certain charter schools to establish and carry out a plan to identify pupils for placement in more rigorous courses in certain academic subjects; requiring the board of trustees of a school district and the governing body of a charter school to submit an annual report concerning any academic subjects for which sufficient financial resources were not available to establish a more rigorous course; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) designates mathematics, English language arts, science and social studies as core academic subjects; and (2) requires the State Board of Education to adopt regulations requiring each public school to establish and carry out a plan to identify pupils in grades 3 to 12, inclusive, for placement in more rigorous courses in those subject areas. (NRS 389.0095, 389.018) This regulation requires the board of trustees of each school district and the governing bodies of certain charter schools to establish and carry out a plan to identify pupils enrolled in public schools located within the school district or enrolled in the charter school, as applicable, for placement in more rigorous courses. This regulation requires any such plan to: (1) provide for the identification of pupils using certain examinations and pupil performance data; (2) prescribe procedures to ensure compliance with certain statutory requirements; and (3) with certain exceptions, require that, to the extent practicable, a pupil who is identified for placement in a more rigorous course be placed in that course.

Under existing law, if a pupil is identified for placement in a more rigorous course and such a course is offered at the public school in which the pupil is enrolled, the pupil must be placed in the more rigorous course unless the parent or guardian submits to the principal of the public school in which the pupil is enrolled a written notice of his or her objection to such placement. (NRS 389.0095) This regulation provides that, if the parent or guardian of a pupil who is identified for placement in a more rigorous course submits such an objection, the

principal must arrange a meeting between the parent or guardian, a school counselor and, to the extent practicable, the principal. If, after such a meeting, the attendees mutually agree that placing the pupil in the more rigorous course is not in the best interests of the pupil, this regulation prohibits placing the pupil in the more rigorous course.

Existing law requires the board of trustees of a school district and the governing body of a charter school to establish a more rigorous course in a core academic subject if: (1) there are a sufficient number of pupils identified for placement in the more rigorous course to warrant the establishment of the course; and (2) the school district or charter school has sufficient financial resources to establish the course. (NRS 389.0095) This regulation requires the board of trustees of a school district or the governing body of a charter school to prepare and submit to the Superintendent of Public Instruction an annual report that includes, for each subject area for which the board of trustees or governing body determined sufficient financial resources were not available to establish a more rigorous course, an explanation of the reasons for that determination.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that enrolls pupils in grades 3 to 12, inclusive, shall establish and carry out a plan to identify pupils enrolled in public schools located within the school district or enrolled in the charter school, as applicable, for placement in more rigorous courses, including, without limitation, advanced placement courses, international baccalaureate courses, honors courses, dual credit courses and other college preparatory courses in mathematics, English language arts, science and social studies.

2. Each plan established pursuant to subsection 1 must:

(a) Provide for the identification of pupils for placement in more rigorous courses using:

(1) Criterion-referenced examinations administered pursuant to NRS 390.105 or norm-referenced, nationally recognized examinations; and

(2) Pupil performance data, including, without limitation, observations of the performance of pupils, the work product of pupils and any other tangible demonstrations of the performance of pupils;

(b) Prescribe procedures to ensure compliance with subsections 2 and 3 of NRS 389.0095; and

(c) Except as otherwise provided in subsection 3, require that, to the extent practicable, a pupil who is identified for placement in a more rigorous course be placed in the more rigorous course if such a course is available.

3. If the parent or guardian of a pupil who is identified for placement in a more rigorous course submits to the principal of the school in which the pupil is enrolled written notice of his or her objection to such placement pursuant to paragraph (b) of subsection 2 of NRS 389.0095, the principal shall arrange a meeting between the parent or guardian, a school counselor and, to the extent practicable, the principal. If, after such a meeting, the attendees mutually agree that placing the pupil in the more rigorous course is not in the best interests of the pupil, the pupil must not be placed in the more rigorous course.

4. On or before June 1 of each year, the board of trustees of a school district or the governing body of a charter school shall prepare and submit to the Superintendent of Public Instruction a report concerning compliance with the requirements prescribed by subsection 3 of NRS 389.0095 for the immediately preceding school year. The report must include, for each academic subject for which the board of trustees or governing body, as applicable, determined sufficient financial resources were not available to establish a more rigorous course, an explanation of the reasons for that determination.