**NEVADA DEPARTMENT OF EDUCATION**
**REGULATIONS HEARING AGENDA**
**FEBRUARY 25, 2026**
**2:30 PM**

| Office | Address | City | Meeting Room |
|---|---|---|---|
| Department of Education | 2080 E. Flamingo Rd. | Las Vegas | Room 114 |
| Department of Education | 700 E. Fifth St. | Carson | Board Room |
| Department of Education | Virtual | Virtual | YouTube Livestream |

## PUBLIC NOTICE

*A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings Meeting Materials page under the meeting date referenced above or by contacting Angie Castellanos via email at NVBoardEd@doe.nv.gov. This public 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 Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.*

## AGENDA

1. **CALL TO ORDER**

2. **PUBLIC COMMENT #1**
   *Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.*

3. **2:30 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS (***For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding the definitions, processes, and purposes of creating and implementing educator performance improvement plans as drafted by the Teachers and Leaders Council. Performance improvement plans are required pursuant to changes in SB460 under the Nevada Educator Performance Framework regarding post-probationary administrators or educators.
   - Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

4. **2:31 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER** *(For possible action)*
   The Nevada Department of Education will hold regulation hearing on proposed changes to NAC 391A regarding the establishment of the Education Service Center. Created by the 2025 Nevada Legislature

through SB460, this Center is designed to manage and provide support programs for local school districts and charter schools. The proposed regulations in LCB File R084-25 will define how the Center operates by setting specific requirements for its Board of Directors to ensure representation from large and small districts, teachers, and school leaders across the state. Additionally, the regulations establish the qualifications and hiring process for the Executive Director, set fiscal oversight rules requiring Board approval for contracts of $50,000 or more, and ensure public accountability through a required website and annual reports to state leadership regarding the Center's activities and funding.

- Dr Steve Canavero, Executive Director, Nevada Education Service Center

5. **2:32 P.M. REGUALATION HEARING ON PROPOSED CHANGES TO NAC 390 REGARDING INSTRUCTIONAL TIME USED TO ADMINISTER ASSESSMENTS** *(For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding changes under SB460 regarding the use of time to administer assessments, to include clarifying which assessments qualify under the established 2% cap.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management

6. **2:33 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 385 REGARDING PETITIONS TO STREAMLINE OR ABOLISH REPORTING REQUIREMENTS** *(For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 385 regarding petitions to streamline or abolish reporting requirements pursuant to SB460, to include the Department's jurisdiction and process for evaluation.
   - Amelia Thibault, Legislative Liaison, Office of the Superintendent of Public Instruction

7. **PUBLIC COMMENT #2**
   *Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.*

8. **ADJOURNMENT**

**Joe Lombardo**
***Governor***

**Dr. Victor Wakefield**
***Superintendent of Public Instruction***

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# STATE OF NEVADA
# NEVADA DEPARTMENT OF EDUCATION

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## Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R104-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:30 PM** on **Wednesday, February 25, 2026,** 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 391.

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:** SB460 (2025) created a new requirement for educator performance improvement plans; this regulation seeks to clarify these plans pursuant to requirements in SB460.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation defines a performance improvement plan and related terms, along with the process and purpose of creating and implementing such plans.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No anticipated economic effect.

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education teachers and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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**

**DEPARTMENT OF EDUCATION**

**LCB File No. R104-25**

January 23, 2026

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

AUTHORITY: §§ 1, 4, 6-11 and 13, sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438; §§ 2 and 5, section 38.3 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3435; § 3, section 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3438; § 12, NRS 391.730, as amended by section 52.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3457, NRS 391.750 and 391.820 and sections 38.3, 38.4, 38.7 and 38.8 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435, 3436, 3438 and 3439.

A REGULATION relating to educational personnel; establishing a framework for the establishment of a performance improvement plan for a postprobationary administrator or postprobationary teacher who receives certain overall performance evaulation ratings; establishing requirements relating to the content of performance improvement plans; establishing requirements relating to programs of professional development training for a postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established; requiring a postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established to receive certain coaching or mentorship support; establishing provisions relating to the review and assessment of the progress of a postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established; adopting provisions relating to the courses of action that may be taken against a postprobationary administrator or postprobationary teacher who fails to satisfactorily achieve the goals established in a performance improvement plan; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law and regulations establish a statewide performance evaluation system for evaluating the performance of certain educational personnel. (NRS 391.465, 391.675-391.730; NAC 391.565-391.589) Existing law requires an employee who is evaluated pursuant to the statewide performance evaluation system to receive, based on his or her performance, one of the following performance evaluation ratings: (1) highly effective; (2) effective; (3) developing; or (4) ineffective. (NRS 391.465) Senate Bill No. 460 (S.B. 460) of the 2025 Legislative Session requires that a performance improvement plan be established for any postprobationary

administrator or teacher who receives an evaluation designating his or her performance as "ineffective" or "minimally effective" for 2 consecutive years. S.B. 460 further requires the Department of Education, in consultation with the Teacher and Leaders Council of Nevada, to adopt regulations to establish a framework for the establishment of such performance improvement plans. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438) This regulation establishes such a framework.

**Section 2** of this regulation defines "administrator" for the purpose of the establishment of performance improvement plans as a person who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether such a person is licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

**Section 6** of this regulation clarifies that the term "minimally effective," when used in S.B. 460 to describe the performance evaluation rating that is assigned to a school-level administrator or teacher, has the same meaning as the term "developing" under the statewide performance evaluation system. (NRS 391.465; NAC 391.568)

**Section 7** of this regulation requires the board of trustees of a school district or the governing body of a charter school to place a postprobationary administrator or postprobationary teacher who receives an overall performance evaluation rating as "ineffective" or "developing" for 2 consecutive school years on a performance improvement plan. **Section 7** further requires the performance improvement plan to: (1) be established, to the extent practicable, collaboratively between the postprobationary administrator or postprobationary teacher and the immediate supervising administrator of the postprobationary administrator or postprobationary teacher; (2) be established within a certain timeframe after the overall performance evaluation rating requiring the establishment of the plan; (3) contain certain content and components, including a targeted date for meeting the benchmarks and achieving the goals established by the plan; and (4) be administered in accordance with the requirements of this regulation and the applicable provisions of S.B. 460. **Section 13** of this regulation requires: (1) the board of trustees of each school district and governing body of each charter school to adopt policies and procedures to ensure the school district or charter school complies with the provisions of existing law and regulations governing performance improvement plans; and (2) the Department to monitor such compliance.

S.B. 460 requires that a performance improvement plan contain clear and measurable goals for the improvement of the postprobationary administrator or postprobationary teacher in certain areas. S.B. 460 further requires that such goals: (1) directly address the areas of underperformance identified by the performance evaluations of the postprobationary administrator or postprobationary teacher; and (2) be aligned with educational standards in this State. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438) **Section 7** requires that a performance improvement plan identify each area of underperformance, including each standard, indicator and goal for educational growth for which the postprobationary administrator or postprobationary teacher received a rating of developing or ineffective. **Section 8** of this regulation establishes additional requirements for the goals established in a performance improvement plan.

S.B. 460 requires each postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established to participate in programs of professional development training to address the areas of underperformance. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438) **Section 7**

requires that such programs for professional development training be included as component of the performance improvement plan. **Section 9** of this regulation establishes the requirements for the provision of professional development training to postprobationary administrators or postprobationary teachers under a performance improvement plan.

S.B. 460 requires that the board of trustees of each school district and governing body of a charter school ensure that an experienced mentor or leadership coach is assigned to each postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438) **Section 7** requires each performance improvement plan to contain a component of coaching or mentorship support. **Section 10** of this regulation requires that such a component: (1) include the assignment of a leadership coach or mentor, or both, to the postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established; and (2) require that a leadership coach or mentor provide certain support to the postprobationary administrator or postprobationary teacher.

S.B. 460 requires that, at least once each school quarter, certain supervisors of a postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established review and assess the progress of the postprobationary administrator or postprobationary teacher towards achieving the goals established in the performance improvement plan. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438) **Sections 3 and 5** of this regulation define the supervisors who are responsible for conducing this review and assessment. **Section 11** of this regulation requires that such a review and assessment occur at least once each school quarter or once every 45 school days, whichever is less. **Section 11** also requires the supervisors conducting such a review and assessment to determine whether the postprobationary administrator or postprobationary teacher requires additional support to achieve the goals established in the performance improvement plan and, if such support is needed, identify and document in the plan the support to be provided.

**Section 12** of this regulation provides that a postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established is deemed to have successfully completed the plan if the post probationary administrator or postprobationary teacher receives a performance evaluation rating of effective or highly effective for each standard, indicator and goal for educational growth identified in the plan as an area of underperformance. **Section 12** additionally provides that if a postprobationary administrator or postprobationary teacher has not successfully completed a performance improvement plan before end of the period for which the plan is established, the applicable supervisor is required to conduct a final review of the progress of the postprobationary administrator or postprobationary teacher towards achieving the goals established in the plan. **Section 12** requires the applicable supervisor to determine or recommend a course of action with respect to the postprobationary administrator or postprobationary teacher, which may include, as applicable and with certain exceptions: (1) extending the performance improvement plan for a period of not more than 1 school year; (2) reassignment to another position; (3) placement on probation; (4) extending any current period of probation; (5) not reemeploying an administrator or teacher who is on probation; or (6) commencement of dismissal proceedings.

**Section 1.** Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 to 13, inclusive, of this regulation.

**Sec. 2.** ***"Administrator" means a person who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether such a person is licensed as a teacher or administrator, including, without limitation, a principal and vice principal.***

**Sec. 3.** ***"Leadership team" has the meaning ascribed to it in section 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3438.***

**Sec. 4.** ***"Performance improvement plan" means a performance improvement plan that is established in accordance with the provisions of sections 3 to 13, inclusive, of this regulation for a postprobationary administrator pursuant to section 38.3 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3435, or a postprobationary teacher pursuant to section 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3438.***

**Sec. 5.** ***"Reviewing supervisor" means, with respect to a postprobationary administrator for whom a performance improvement plan is established:***

***(a) The principal of the school at which the postprobationary administrator is employed; or***

***(b) If the postprobationary administrator for whom a performance plan is established is the principal of a school, the superintendent of schools of the school district of the school at which the principal is employed, or the designee of that superintendent of schools, or the executive director of the charter school at which the principal is employed, or the designee of the executive director of that charter school.***

**Sec. 6.** ***For the purposes of sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438, a postprobationary administrator or***

*postprobationary teacher receives an evaluation designating his or her overall performance as "minimally effective" if the postprobationary administrator or postprobationary teacher is assigned an overall performance evaluation rating of developing.*

**Sec. 7.** *1. The board of trustees of a school district or the governing body of a charter school shall require a postprabationary administrator or postprobationary teacher who receives an overall performance evaluation rating of ineffective or developing for two consecutive school years to be placed on a performance improvement plan.*

*2. A performance improvement plan established pursuant to subsection 1 must:*

*(a) Be established collaboratively, to the extent practicable, between the postprobationary administrator or postprobationary teacher, as applicable, and his or her immediate supervising administrator.*

*(b) Be established not later than the earlier of:*

*(1) Thirty days after the date on which the postprobationary administrator or postprobationary teacher, as applicable, received the overall performance evaluation rating requiring the establishment of the performance improvement plan; or*

*(2) The last day of the contract year during which the postprobationary administrator or postprobationary teacher received the performance evaluation rating requiring the establishment of the performance improvement plan.*

*(c) Identify each specific area of underperformance of the postprobationary administrator or postprobationary teacher, as applicable, based on the two most recent performance evaluations of the postprobationary administrator or postprobationary teacher, as applicable, which must include, without limitation:*

***(1) Each standard and indicator and any goal for educational growth for which the postprobationary administrator or postprobationary teacher received a performance evaluation rating of developing or ineffective; and***

***(2) Evidence to support the identification of the areas of underperformance of the postprobationary administrator or postprobationary teacher, as applicable, including, without limitation, observations of the performance of the post-probationary administrator or postprobationary teacher, as applicable, data relating to the learning and achievement of pupils and any other evidence applicable to the performance of the postprobationary administrator or postprobationary teacher, as applicable, including any artifacts collected as part of the evaluation of the postprobationary administrator or postprobationary teacher, as applicable.***

***(d) Establish:***

***(1) Goals for the improvement of the performance of the postprobationary administrator or postprobationary teacher, as applicable, that directly address the areas of underperformance identified in the performance improvement plan pursuant to subsection 3 and that satisfy the requirements of section 8 of this regulation for those goals;***

***(2) Benchmarks to be used to evaluate the progress of the postprobationary administrator or postprobationary teacher, as applicable, towards achieving the goals described in paragraph (a); and***

***(3) A target date for the postprobationary administrator or postprobationary teacher, as applicable, to meet the benchmarks established pursuant to paragraph (b) and achieve the goals established pursuant to paragraph (a).***

***(e) Include, without limitation:***

*(1) A component of participation in programs of professional development training that addresses the areas of underperformance identified in the performance improvement plan pursuant to subsection 3 and that satisfies the requirements of section 9 of this regulation;*

*(2) A component of coaching or mentorship support that satisfies the requirements of section 10 of this regulation; and*

*(3) Such other provisions as may be necessary to provide adequate support to the postprobationary administrator or postprobationary teacher, as applicable, based on the individualized needs and attributes of the postprobationary administrator or postprobationary teacher, as applicable.*

*6. Is administered in a manner consistent with the requirements of sections 3 to 13, inclusive, of this regulation, and sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438.*

**Sec. 8.** *The goals for the improvement of the performance of a postprobationary administrator or postprobationary teacher that are established in a performance improvement plan pursuant to paragraph (a) of subsection 4 of section 7 of this regulation must:*

*1. Align with the statewide performance evaluation system established pursuant to NRS 391.465 and the standards of academic content and performance prescribed by the State Board; and*

*2. Address the following areas:*

*(a) Instructional practices, including, without limitation:*

*(1) The design of effective lesson plans;*

*(2) The delivery of differentiated instruction; and*

*(3) The effective use of instructional time;*

*(b) Pupil engagement, including, without limitation:*

*(1) Effective strategies for active learning;*

*(2) Fostering productive collaboration and dialogue between and among pupils; and*

*(3) Encouraging pupils, in a culturally responsive manner, to actively participate in the classroom and more effectively engage with instruction; and*

*(c) Academic outcomes, including, without limitation:*

*(1) Progress towards achieving goals for educational growth, as evidenced by the performance of pupils on the examinations used to measure the achievement of goals for educational growth pursuant to NRS 391.480, as amended by section 50 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3455;*

*(2) Effectively integrating assessments into instruction; and*

*(3) Mastery of applicable course standards and content.*

**Sec. 9.** *The component of a performance improvement plan requiring a postprobationary administrator or postprobationary teacher to participate in programs of professional development training, which is required to be included in a performance improvement plan pursuant to paragraph (a) of subsection 5 of section 7 of this regulation must:*

*1. Be developed jointly between the postprobationary administrator or postprobationary teacher, as applicable, and the immediate supervising administrator of the postprobationary administrator or postprobationary teacher.*

*2. Be signed by both the postprobationary administrator or postprobationary teacher, as applicable, the immediate supervising administrator.*

*3. Include, without limitation, training in the areas of:*

***(a) Instructional strategies for improving pupil engagement, which must include, without limitation, training in:***

***(1) Methods for improving the learning outcomes of pupils using techniques which involve pupil collaboration, cooperation and dialogue;***

***(2) Culturally-responsive methods of teaching and creating a welcoming and inclusive classroom environment; and***

***(3) Incorporating real-world or work-based learning applications into lesson plans and instruction.***

***(b) Data-driven instruction and the use of formative assessments to track pupil progress, which must include, without limitation, training in:***

***(1) The effective use of exit tickets, which are defined as brief activities completed by a pupil at the end of a class period or lesson to assess the learning of the pupil and obtain feedback about the experience of the pupil during the class period or lesson, and other common types of informal formative assessments;***

***(2) Critically understanding and analyzing data relating to the performance of pupils, including, without limitation, data relating to the examinations used to measure the achievement of goals for educational growth pursuant to NRS 391.480, as amended by section 50 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3455; and***

***(3) Developing lesson plans and instructional strategies based on trends and developments relating to the understanding and performance of pupils.***

***(c) Classroom management techniques and promoting a safe and respectful learning environment, which must include, without limitation, training in:***

***(1) Restorative practices;***

*(2) Positive behavioral interventions and supports; and*

*(3) Structured routines.*

*4. Require each program or course of professional development training required to be completed by the postprobationary administrator or postprobationary teacher, as applicable, during the course of the performance improvement plan to be approved by the immediate supervising administrator of the postprobationary administrator or postprobationary teacher, as applicable.*

*5. Specify whether the postprobationary administrator or postprobationary teacher, as applicable, is required to attend some or all of the required programs or courses for professional development training in person or, if the postprobationary administrator or postprobationary teacher, as applicable, is authorized to attend any programs or courses of professional development training by virtual or electronic means, whether the programs or courses delivered through such means are required to be delivered synchronously.*

*6. Provide for the postprobationary administrator or postprobationary teacher, as applicable, to receive compensation or release time or other leave to compensate for any time during which the postprobationary administrator or postprobationary teacher, as applicable, is required to attend a program or course of professional development training outside of the regular working hours specified in his or her contract.*

*7. Indicate whether the local educational agency for which the postprobationary administrator or postprobationary teacher, as applicable, is employed will pay or reimburse any costs associated with attending a program or course of professional development training.*

**Sec. 10.** *1. The coaching and mentorship component of a performance improvement plan, which is required to be included in the performance improvement plan pursuant to*

***paragraph (b) of subsection 5 of section 7 of this regulation must include, without limitation, all of the following:***

***(a) The assignment of a mentor or leadership coach, or both, to the postprobationary administrator or postprobationary teacher, as deemed appropriate by the local educational agency for which the postprobationary administrator or postprobationary teacher, as applicable, is employed based on the goals established in the performance improvement plan pursuant to subsection 4 of section 7 of this regulation and the specific needs of the postprobationary administrator or postprobationary teacher.***

***(b) A requirement for any leadership coach assigned under the performance improvement plan to provide short-term support that is based on data and that addresses the goals established in the performance improvement plan for the improvement of instructional practice or leadership practice. The activities of a leadership coach assigned under a performance improvement plan may additionally include, without limitation:***

***(1) Assisting in the development of specific action to improve performance;***

***(2) Modeling effective practices that improve performance;***

***(3) Conducting observations and providing feedback based on those observations; and***

***(4) Monitoring the progress of the postprobationary administrator or postprobationary teacher, as applicable, toward meeting the benchmarks and achieving the goals established in the performance improvement plan pursuant to subsection 4 of section 7 of this regulation.***

***(c) A requirement for any mentor assigned under the performance improvement plan to provide sustained, trust-based guidance that focuses on reflection on professional performance, professional growth, the building of confidence in professional abilities, the development of professional habits, the navigating of school culture and engagement in***

***collegial collaboration. The activities of a mentor assigned under a performance improvement plan may additionally include, without limitation:***

***(1) Conducting meetings with the postprobationary administrator or postprobationary teacher, as applicable, to reflect on performance and practices to improve that performance;***

***(2) Facilitating a process whereby the mentor and postprobationary administrator or postprobationary teacher, as applicable, exchange, as peers, observations, feedback, knowledge and best practices relating to instructional and professional skills; and***

***(3) Guiding the postprobationary administrator or postprobationary teacher, as applicable, in assessing performance and developing practices to improve that performance.***

***(d) In addition to the support activities described in in paragraphs (b) or (c), as applicable, a requirement that:***

***(1) Not less than once each month, the postprobationary administrator or postprobationary teacher, as applicable, review progress under the performance improvement plan with the assigned leadership coach or mentor, or both; and***

***(2) Not less than once each month, the leadership coach or mentor, or both, conduct a session:***

***(I) Of classroom observation;***

***(II) To provide feedback to the postprobationary administrator or postprobationary teacher, as applicable; or***

***(III) To assist the postprobationary administrator or postprobationary teacher, as applicable, in developing and implementing effective instructional strategies.***

***2. A leadership coach or mentor shall document each coaching or mentorship activity conducted pursuant to a performance improvement plan. Such documentation must include,***

*without limitation, all pertinent information observed or feedback given during the activity and such other information as may be helpful or necessary when evaluating the progress of the postprobationary administrator or postprobationary teacher, as applicable, under the performance improvement plan. Upon documenting a coaching or mentorship activity pursuant to this subsection, the leadership coach or mentor shall transmit a copy of such documentation to the immediate supervising administrator of the postprobationary administrator or postprobationary teacher, as applicable, to whom the documentation pertains. The immediate supervising administrator shall include in the personnel file of the postprobationary administrator or postprobationary teacher, as applicable, any documentation received pursuant to this subsection.*

**Sec. 11.** *1. A review and assessment of the progress of a postprobationary administrator or postprobationary teacher towards achieving the goals established in a performance improvement plan, which is required to be conducted by the reviewing supervisor of the postprobationary administrator pursuant to subsection 6 of section 38.3 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3435, or the leadership team of the postprobationary teacher pursuant to subsection 6 of section 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3438, as applicable, must occur at least once each quarter of each school year or at least once every 45 school days, whichever is less.*

*2. A reviewing supervisor or leadership team conducting a review and assessment described in subsection 1 shall:*

*(a) Document the progress of the postprobationary administrator or postprobationary teacher for whom the review and assessment is being conducted toward meeting each*

*benchmark and achieving each goal established in his or her performance improvement plan pursuant to subsection 4 of section 7 of this regulation;*

*(b) Based on the progress of the postprobationary administrator or postprobationary teacher, as applicable, towards meeting each benchmark and achieving each goal described in paragraph (a), determine whether the postprobationary administrator or postprobationary teacher requires additional support and, if such support is needed:*

*(1) Identify the type or character of any such support that will be provided; and*

*(2) Document in the performance improvement plan the additional support that will be provided; and*

*(c) Prepare and include in the personnel file of the school-level administrator or teacher a written summary of the review and assessment, which must be made available to the Department, upon request of the Department.*

**Sec. 12.** *1. A postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established shall be deemed to have successfully completed the performance improvement plan if the postprobationary administrator or postprobationary teacher, as applicable, has received a performance evaluating rating of effective or highly effective for each standard and indicator and goal for educational growth identified in the plan as an area of underperformance pursuant to subsection 3 of section 7 of this regulation.*

*2. If a postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established has not successfully completed the performance improvement plan pursuant to subsection 1 before the end of the period for*

***which the plan has been established, the reviewing supervisor of the postprobationary administrator or the leadership team of the postprobationary teacher, as applicable, shall:***

***(a) Conduct with the postprobationary administrator or postprobationary teacher, as applicable, a final review of the progress of the postprobationary administrator or postprobationary teacher towards achieving the goals established in the performance improvement plan pursuant to subsection 4 of section 7 of this regulation.***

***(b) After considering the factors described in subsection 3, determine or recommend to the appropriate authority the course of action that should be taken with respect to the postprobationary administrator or postprobationary teacher, as applicable. Such action may include, without limitation:***

***(1) Requiring the continuation of the performance improvement plan for a period not to exceed 1 school year, with any necessary revisions being made to the performance improvement plan.***

***(2) Except where prohibited by subsection 3 of section 38.4 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3436, or subsection 3 of section 38.8 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3439, reassigning the postprobationary administrator or postprobationary teacher, as applicable, to another position for which the postprobtationary administrator or postprobationary teacher is qualified.***

***(3) To the extent authorized or required by NRS 391.730, as amended by section 52.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3457, section 38.4 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3436, or section 38.8 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3439:***

***(I) Placing the postprobationary administrator or postprobationary teacher, as applicable, on probation and requiring the postprobationary administrator or postprobationary teacher, as applicable, to serve an additional probationary period; or***

***(II) In the case of a postprobationary administrator or postprobationary teacher who is currently deemed a probationary employee, extending the additional probationary period imposed pursuant to NRS 391.730, as amended by section 52.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3457, section 38.4 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3436, or section 38.8 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3439, as applicable.***

***(4) In the case of a postprobationary administrator or postprobationary teacher who is deemed to be a probationary employee, providing notice pursuant to NRS 391.820 that the school-level administrator or teacher will not be reemployed.***

***(5) Initiating the applicable process for the dismissal of the postprobationary administrator or postprobationary teacher, as applicable, in accordance with the procedures established pursuant to chapter 391 of NRS, the contract of the postprobationary administrator or postprobationary teacher, as applicable, or any applicable collective bargaining agreement.***

***(6) Taking such actions that are in the best interests of the pupils and school at which the postprobationary administrator or postprobationary teacher, as applicable, is employed and not inconsistent with applicable law, the contract of the postprobationary administrator or postprobationary teacher, as applicable, or any applicable collective bargaining agreement.***

***3. When determining the course of action that should be taken pursuant to paragraph (b) of subsection 2, the reviewing supervisor or leadership team, as applicable, shall consider the***

*extent to which the postprobationary administrator or postprobationary teacher, as applicable, during the course of the performance improvement plan:*

*(a) Demonstrated improvement in the areas of underperformance identified in the performance improvement plan pursuant to subsection 3 of section 7 of this regulation;*

*(b) Demonstrated progress towards achieving the goals established in the performance improvement plan pursuant to subsection 4 of section 7 of this regulation; and*

*(c) Effectively engaged with the support provided under the performance improvement plan, including, without limitation, the coaching or mentorship support provided pursuant to section 10 of this regulation.*

**Sec. 13.** *1. The board of trustees of each school district and the governing body of each charter school shall establish such policies and procedures as are necessary to ensure the school district or charter school, as applicable, complies with the provisions of 3 to 13, inclusive, of this regulation.*

*2. The Department will monitor each school district and charter school to ensure that the school district or charter school is in compliance with the provisions of sections 3 to 13, inclusive, of this regulation.*

**Joe Lombardo**
*Governor*

**Dr. Victor Wakefield**
***Superintendent of Public Instruction***

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# STATE OF NEVADA
# NEVADA DEPARTMENT OF EDUCATION

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## Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R084-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:31 PM** on **Wednesday, February 25, 2026,** 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 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:** SB460 (2025) establishes the Education Service Center and authorizes the Superintendent of Public Instruction to develop regulations for the development of the Center.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation establishes certain aspects of the Education Service Center, to include defining terms and allowable and/or required activities for the Center.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No anticipated economic effect.

5. **Methods used by the agency in determining the impact on small businesses:** The Education Service Center will support local education agencies and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

**LCB File No. R084-25**

December 9, 2025

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

AUTHORITY: §§ 1-14, Section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460.

A REGULATION relating to education; setting forth certain requirements and preferences for the appointment of the members of the Board of the Education Service Center; imposing certain duties on the Superintendent of Public Instruction relating to appointments to fill vacancies in the membership of the Board; establishing certain provisions governing the appointment of an Executive Director of the Center; setting forth certain preferences which must be given in employing certain employees and hiring independent contractors to carry out the activities of the Center; setting forth certain provisions governing contracts and interlocal agreements for the Center; establishing certain requirements for the maintenance of an Internet website by the Center; requiring the Executive Director to provide an annual written report of the activities of the Center; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

During the 2025 Legislative Session, the Nevada Legislature passed Senate Bill No. 460, which: (1) created the Education Service Center as an educational service agency to develop, manage and provide services and programs to local educational agencies and, as necessary, to other local governments; (2) set forth certain requirements for the appointment of the members of the Board of the Education Service Center as the Center's governing body; (3) authorized the Board to appoint an Executive Director; (4) set forth certain duties and powers of the Center, Board and Executive Director; and (5) authorized the Superintendent of Public Instruction to adopt regulations to prescribe operational aspects of the Education Service Center, including, without limitation, qualifications for the Board and employees of the Center and procedures for contracting. (Section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460)

**Sections 2-6** of this regulation define certain words and terms for the purposes of provisions relating to the Education Service Center.

**Section 7** of this regulation sets forth certain requirements and preferences which must be given in the appointment of the members to the Board.

**Section 8** of this regulation requires the Superintendent of Public Education to prepare a list of not fewer than two persons who meet the qualifications for a vacant position on the Board

and to submit the list to the person authorized to make the appointment or the State Board, as applicable, whenever there is a vacancy in the membership of the Board.

**Section 9** of this regulation: (1) provides that the Board may establish its own process and procedure for appointing the Executive Director; and (2) sets forth the qualifications for a person to be eligible to be appointed to the position of Executive Director.

**Section 10** of this regulation sets forth certain preferences which must be given by the Executive Director in employing any employees or hiring any independent contractors which are necessary to carry out the duties of the Center.

**Section 11** of this regulation authorizes the Executive Director to enter into contracts to conduct research or evaluations and provide other services in the performance of the activities of the Center. **Section 11** also requires that the Center comply with all provisions of the Nevada Revised Statutes and Nevada Administrative Code governing the purchasing of goods and services and the issuance of contracts, except for certain contracts for the hiring of professionals as independent contractors. (Chapters 333 of NRS and NAC) Finally, **section 11** requires: (1) that certain contracts, the value of which, singularly or in the aggregate, are equal to or exceed $50,000 during a single fiscal year be approved by the Board before being executed by the Executive Director; and (2) the Executive Director to annually provide the Board with a list of all contracts which have a value of less than $50,000.

**Section 12** of this regulation authorizes the Executive Director to enter into interlocal agreements with certain entities for the operation and support of the Center.

**Section 13** of this regulation: (1) requires the Center to maintain an Internet website available to the public; and (2) specifies certain information which must be included on the website.

**Section 14** of this regulation requires the Executive Director to provide an annual written report of the activities of the Center to the Governor, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmittal to the leadership of the Legislature.

**Section 1.** Chapter 391A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

**Sec. 2.** ***As used in sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.***

**Sec. 3.** ***"Board" means the Board of the Center.***

**Sec. 4.** ***"Center" means the Education Service Center.***

**Sec. 5.** ***"Executive Director" means the Executive Director of the Center.***

**Sec. 6.** ***"Superintendent" means the Superintendent of Public Instruction.***

**Sec. 7.** ***1. In appointing two members of the Board pursuant to paragraph (a) of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, the Governor shall give preference to:***

***(a) One person who represents higher education; and***

***(b) One person who has a background in public administration and finance.***

***2. In appointing members of the Board pursuant to paragraphs (b) to (e), inclusive, of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the Assembly and the Minority Leader of the Assembly, respectively, shall give preference to persons as described herein to ensure, to the extent possible, that the Board is composed of:***

***(a) One person who has administrative experience in a school district in this State, including, without limitation, a trustee of a local school district, a superintendent of a school district or another person who has senior administrative responsibilities at the district level of a school district;***

***(b) One person who serves or has served as a principal of a school in a school district or a charter school which has attained the highest or second highest rating of performance in accordance with the statewide system of accountability for public schools as it pertains to school districts and charter schools in this State pursuant to sections 6.2 to 6.6, inclusive, of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3354-3360, and was serving as the principal of the school in the school district or charter school, as applicable, at the time the school in the school district or charter school attained the rating;***

***(c) One person who is a member of the governing body of a regional training program created by NRS 391A.120; and***

*(d) One teacher who actively teaches in a school district or at a charter school which has attained the highest or second highest rating of performance in accordance with the statewide system of accountability for public schools as it pertains to school districts and charter schools in this State pursuant to sections 6.2 to 6.6, inclusive, of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3354-3360, and was teaching in the school district or at the charter school, as applicable, at the time the school district or charter school attained the rating.*

*3. In all appointments made pursuant to this section and subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, attention must be given to the representation of:*

*(a) Large and small school districts;*

*(b) Charter schools; and*

*(c) The geographic distribution of school districts in this State.*

*4. The member of the Board who is appointed by the State Board pursuant to paragraph (f) of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, must be a member of the State Board elected pursuant to paragraph (a) of subsection 1 of NRS 385.021.*

**Sec. 8.** *If a vacancy occurs in the membership of the Board, the Superintendent will:*

*1. Prepare a list of not fewer than two persons who meet the qualifications for the vacant position as set forth in section 7 of this regulation; and*

*2. Submit the list prepared pursuant to subsection 1 to the person who is authorized to make the appointment or the State Board, as applicable, pursuant to subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460.*

**Sec. 9.** *1. The Board may establish its own process and procedure for appointing the Executive Director.*

*2. To be eligible to be appointed to the position of Executive Director, a person must:*

*(a) Have attained the age of 21 years at the time of his or her appointment;*

*(b) Possess the knowledge and ability to oversee the activities of the Center, as set forth in subsection 8 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460;*

*(c) Have demonstrated experience administering large public agencies, programs or systems; and*

*(d) Have demonstrated experience with establishing or administering programs to improve the performance of schools.*

**Sec. 10.** *Within the limits of available funds, the Executive Director may employ such employees and hire such independent contractors as deemed necessary to carry out the duties of the Center, with a preference for experience:*

*1. In system governance, public administration or finance;*

*2. Identifying and evaluating evidence-based educational practices; and*

*3. As an administrator, principal or teacher in an elementary or secondary school.*

**Sec. 11.** *1. The Executive Director may enter into contracts with a business licensed in this State or with other persons to conduct research or evaluations and provide other services in the performance of the activities of the Center.*

*2. Except as otherwise provided in subsection 3, the Center shall comply with all provisions of chapters 333 of NRS and NAC for the purchasing of goods and services and the issuance of contracts.*

*3. The Executive Director shall collaborate with the Administrator of the Purchasing Division of the Department of Administration to ensure that professionals which the Center hires as independent contractors are contracted expeditiously and without competitive selection as authorized by subsection 2 of NAC 333.150.*

*4. Any contracts the value of which, singularly or in the aggregate, are equal to or exceed $50,000 during a single fiscal year must be approved by the Board before being executed by the Executive Director.*

*5. The Executive Director shall annually provide to the Board a list of all contracts which have a value less than $50,000.*

**Sec. 12.** *The Executive Director may enter into interlocal agreements for the operation and support of the Center with:*

*1. The Department;*

*2. The Nevada System of Higher Education; and*

*3. Any governmental agency, including, without limitation:*

*(a) A school district;*

*(b) The governing body of a charter school; and*

*(c) A regional training program created by NRS 391A.120.*

**Sec. 13.** *The Center shall maintain an Internet website available to the public which includes, without limitation:*

*1. All requests received from school districts for the services of the Center;*

*2. An annual summary of services provided by the Center, disaggregated by each school district and each sponsor of a charter school, as applicable;*

*3. The resumes and qualification of persons employed by or contracted with the Center; and*

*4. The sources of all funding of the Center.*

**Sec. 14.** *The Executive Director shall annually, not later than June 30 of each year, provide a written report of the activities of the Center to:*

*1. The Governor;*

*2. The Superintendent; and*

*3. The Director of the Legislative Counsel Bureau for transmittal to:*

*(a) The Majority Leader of the Senate;*

*(b) The Minority Leader of the Senate;*

*(c) The Speaker of the Assembly; and*

*(d) The Minority Leader of the Assembly.*

**Joe Lombardo**
***Governor***

**Dr. Victor Wakefield**
***Superintendent of Public Instruction***

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# STATE OF NEVADA
# NEVADA DEPARTMENT OF EDUCATION

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## Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R086-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:32 PM** on **Wednesday, February 25, 2026,** 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 390.

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:** SB460 (2025) created a new requirement regarding limitations on the amount of instructional time used to administer assessments.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation establishes criteria regarding the applicable assessments and instructional time used to administer such assessments.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No anticipated economic effect.

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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**

**DEPARTMENT OF EDUCATION**

**LCB File No. R086-25**

January 6, 2026

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

AUTHORITY: § 1, NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431.

A REGULATION relating to education; establishing limits on the preparation for and conduct of certain examinations and assessments of pupils; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the administration of examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 388.157, 390.105, 390.610, 390.800, 390.810, 390.820, 390.830) Existing law requires the Department of Education to adopt regulations prescribing limits on the: (1) actual time taken from a school day to prepare for or conduct examinations and assessments that are required to be administered to pupils by state or federal law or by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis; and (2) the number of such examinations and assessments administered to pupils in a school year. Under existing law, the State Board of Education is authorized to waive such limits if the board of trustees of a school district or the governing body of a charter school, as applicable, requests a waiver and the State Board determines a waiver is appropriate. (NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431)

Senate Bill No. 460 of the 2025 Legislative Session requires the regulations adopted by the Department to: (1) prohibit the total number of minutes spent during a school year preparing for or conducting the examinations and assessments from exceeding 2 percent of the total number of minutes of attendance required for a pupil, excluding time prescribed for recess, in the school year; and (2) provide exceptions from this prohibition that are necessary to comply with federal law, for a pupil who is being administered an examination or assessment as a result of the pupil participating in an advanced placement course, an international baccalaureate course, a program of career and technical education or any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in an elementary school and for a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability. (NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431) This regulation: (1) adopts the limit on the number of minutes of

attendance during a school year that may be spent preparing for or conducting examinations and assessments of pupils; (2) prohibits the number of examinations and assessments administered to a pupil from exceeding five; and (3) adopts the exceptions required by existing law to these limits on examinations and assessments.

**Section 1.** Chapter 390 of NAC is hereby amended by adding thereto a new section to read as follows:

***1. Except as otherwise provided in this section, the board of trustees of each school district and the governing body of each charter school shall ensure that, unless the State Board has approved a waiver pursuant to subsection 3 of NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431:***

***(a) The total number of annual minutes spent during a school year preparing for or conducting examinations or assessments of pupils enrolled in the school district or charter school, as applicable, does not exceed 2 percent of the total number of annual minutes of attendance required for a pupil, excluding time prescribed for recess.***

***(b) The number of examinations and assessments administered in a school year to a pupil enrolled in the school district or charter school, as applicable, does not exceed a total of five.***

***2. The limitations imposed by paragraphs (a) and (b) of subsection 1 do not apply:***

***(a) To the extent necessary to ensure compliance with federal law, including, without limitation, the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and section 204 of the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f);***

***(b) For a pupil who is being administered an examination or assessment as a result of the pupil participating in:***

***(1) An advanced placement course;***

***(2) An international baccalaureate course;***

***(3) A program of career and technical education; or***

***(4) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in an elementary school pursuant to NRS 388.157; and***

***(c) For a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability.***

***3. For the purposes of this section, "examination or assessment" has the meaning ascribed to it in NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431.***

**Joe Lombardo**
*Governor*

**Dr. Victor Wakefield**
***Superintendent of Public Instruction***

**Southern Nevada Office**
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# STATE OF NEVADA
# NEVADA DEPARTMENT OF EDUCATION

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## Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R080-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:33 PM** on **Wednesday, February 25, 2026,** 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 385.

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:** SB460 (2025) created a new requirement regarding petitions to streamline or eliminate reporting requirements.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation establishes criteria regarding the Department's review of such petitions.

3. **How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No anticipated economic effect.

5. **Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.

6. **The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.

7. **Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.

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**

**DEPARTMENT OF EDUCATION**

**LCB File No. R080-25**

January 23, 2026

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

AUTHORITY: § 1, section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343.

A REGULATION relating to education; establishing requirements for the submission and evaluation of a petition to modify, suspend or eliminate a requirement for a public school or school district to report certain information or data; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides a procedure by which the superintendent of schools of a school district or the Superintendent of Public Instruction is authorized to modify, suspend or eliminate a requirement for a public school or school district to report information or data that is redundant or duplicative or does not provide information or data that is used by the Department of Education, the State Board of Education or any other person or entity to support educational outcomes. Under existing law, the Department is authorized to adopt regulations to carry out the provisions of existing law governing the modification, suspension or elimination of such reporting requirements. (Section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343)

This regulation: (1) provides that the Department will create a comprehensive list of reporting requirements under its jurisdiction for the purpose of supporting the evaluation of a petition to modify, suspend or eliminate such reporting requirements; (2) establishes the persons who are authorized to submit a petition; (3) requires a petition to be submitted using the file specification prescribed by the Department for a petition to modify, suspend or eliminate a reporting requirement; and (4) provides that the Department will create and use a publicly available rubric to evaluate a petition to modify, suspend or eliminate a reporting requirement.

**Section 1.** Chapter 385 of NAC is hereby amended by adding thereto a new section to read as follows:

***1. The Department will create a comprehensive list of reporting requirements under the jurisdiction of the Department, which the Department may use to support the evaluation of a petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343. A petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343 may be submitted to the Department only if the relevant reporting requirement is within the jurisdiction of the Department.***

***2. A petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343:***

***(a) May be submitted by a teacher, a school-level administrator, a person who is employed as specialized instructional support personnel or any other person employed by a charter management organization, an educational management organization or a local educational agency; and***

***(b) Must be submitted to the Department using the file specification prescribed by the Department for such petitions.***

***3. The Department will evaluate a petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343 using a publicly available rubric created by the Department. The publicly available rubric will provide for the assignment of an evaluation score for a petition based on the following factors:***

***(a) Whether the reporting requirement is federal, state or local in nature;***

***(b) Whether the reporting requirement is within the jurisdiction of the Department;***

***(c) The extent to which the information or data obtained from the reporting requirement informs data-based decision making or supports state or federal requirements for the accountability of public schools;***

***(d) The extent to which the information or data obtained from the reporting requirement actively responds to or affects the education of pupils; and***

***(e) Whether the information or data obtained from the reporting requirement could be incorporated into another report to streamline reporting requirements and the manner in which such a combination of reporting requirements would occur.***

***4. The Department will create a model rubric for use by the superintendent of schools of a school district, sponsor of a charter school or governing body of a university school for profoundly gifted pupils, as applicable, when evaluating a petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025 at page 3343.***