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**STATE OF NEVADA
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GUIDANCE MEMORANDUM 26-08

TO: School District Superintendents
Charter School Sponsors, Management Organizations, and Executive Directors

FROM: Dr. Victor Wakefield, Superintendent of Public Instruction 

DATE: April 8, 2026

SUBJECT: Use of Artificial Intelligence by Specialized Instructional Support Personnel per Assembly Bill 406 (2025)

BACKGROUND

Assembly Bill 406 (AB406), passed during the 2025 Legislative Session, requires that the Department issue guidance regarding the use of Artificial Intelligence (AI) by Specialized Instructional Support Personnel (SISPs) (i.e., school counselors, school psychologists, school social workers or other educational personnel providing therapy, counseling, or other mental or behavioral health services to students), prohibiting the use of AI to perform mental health services for students, and allowing the use of AI only to support administrative tasks. This memorandum, in addition to [Nevada's STELLAR Pathway to AI Teaching and Learning](#), serves to provide guidance to local education agencies (LEA) regarding the use of AI in these circumstances.

USE OF ARTIFICIAL INTELLIGENCE

Artificial intelligence is defined as a machine-based system that infers from inputs to generate outputs, such as content, decisions, predictions, or recommendations, that can influence physical or virtual environments. It is critical that mental health services remain a human-centered process while prohibiting the use of AI to perform clinical functions and duties of licensed mental health professionals. SISPs may use AI for administrative tasks, such as scheduling, managing records, organizing, tracking, and managing files or notes pertaining to a pupil, or operational data analysis, provided such analysis is reviewed and verified by an individual prior to its use. Licensed professionals are legally responsible and liable for the accuracy of any report or note generated by an AI system.

Allowable Administrative Tasks	Prohibited Clinical Tasks
<ul style="list-style-type: none"> Scheduling appointments with parents or students Transcribing recorded notes into a text format (with validation) Summarizing a long meeting into bulleted action items 	<ul style="list-style-type: none"> Sentiment analysis, i.e., using AI to determine if a student's journal entries are "angry" or "depressed" Risk prediction, i.e., using Ai to score a student's likelihood of self-harm Therapeutic content, i.e., using AI to generate a response or advice for a student

APPROVAL OF AI SYSTEMS

AB406 requires that the Department establish a method to review AI systems for accuracy and efficacy; the Department hereby establishes a system of local registry; LEAs are required to maintain a local internal registry of AI tools for administrative support. These must comply with FERPA (Family Educational Rights and Privacy Act) protocols, the principles outlined in the [STELLAR Pathway](#), security and privacy criteria, and the requirements of LEA IT. This allows LEAs to integrate efficient tools without waiting for state-level approval of individual software. However, records of approved AI tools and information regarding how the tool was determined to be allowable must be available upon request for audit and accountability purposes. LEAs must review their internal technology guidelines to ensure compliance with AB406, this guidance, and the [STELLAR Pathway](#) as soon as possible. If, during the course of using an AI tool for administrative tasks, an employee identifies that the AI tool is demonstrating bias, misinformation, or inaccuracy, it must be immediately reported to the LEA IT administration.

NEXT STEPS

AI should never be used to judge or assess a student's mental state; it is not a replacement for the critical human connections between professionals and students, especially when dealing with mental and behavioral health. If you have any questions regarding this guidance, please reach out to LaNesha Battle at lanesha.battle@doe.nv.gov.