

Joe Lombardo  
Governor

Jhone M. Ebert  
Superintendent of  
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**STATE OF NEVADA**  
**DEPARTMENT OF EDUCATION**  
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**Notice of Workshop to Solicit Comments on Proposed Regulation**

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, September 21, 2023**, via [YouTube](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

**1:15 P.M Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX—  
Social and Environmental Factors Affecting the Educational Experience of Pupils**

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov), by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov) or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Wednesday, September 20, 2023**.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

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**SMALL BUSINESS IMPACT STATEMENT**  
**PURSUANT TO NRS 233B.0608**

**DATE:** August 28, 2023

**RE:** Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding social and environmental factors affecting the educational experience of pupils is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Jhone M. Ebert  
Superintendent of Public Instruction

Chapter 388 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 shall identify social and environmental factors that affect the educational experience of pupils which may include, if available, factors relating to:*

*(a) The availability of consistent and affordable housing, including, without limitation:*

*(1) Average monthly costs for rent;*

*(2) Rates of transience;*

*(3) Rates or other measurements pertaining to homelessness; and*

*(4) The percentage of pupils served by the school district or charter school who are experiencing homelessness, as defined in 42 U.S.C. § 11302;*

*(b) The availability of consistent and affordable food, including, without limitation:*

*(1) The number of grocery stores;*

*(2) The number of food banks or other emergency services established to address food insecurity; and*

*(3) The percentage of pupils served by the school district or charter school who qualify for free or reduced-price lunch;*

*(c) Poverty and employment, including, without limitation:*

*(1) The average household income of households in the community served by the school district or charter school;*

*(2) The average number of hours worked per week by pupils and by parents or guardians of pupils;*

*(3) The unique characteristics and needs of the community served by the school district or charter school based on industry sectors which are prevalent in the community; and*

*(4) Any other measurements regarding poverty in the community served by the school district or charter school;*

*(d) The availability of affordable transportation, including, without limitation:*

*(1) The availability of public transportation;*

*(2) The percentage of pupils who are transported to and from school by transportation services sponsored by the school district or charter school; and*

*(3) The average distance and time spent by pupils traveling to and from school;*

*(e) Access to predictable and affordable health care, including, without limitation:*

*(1) The rates of residents of the community served by the school district or charter school who are uninsured, underinsured or insured by federal or state health care programs; and*

*(2) The per capita rates of physical and mental health care providers in the community served by the school district or charter school;*

*(f) Crime and violence, including, without limitation:*

*(1) Rates of arrest in the community served by the school district or charter school; and*

*(2) The percentage of persons in the community served by the school district or charter school who are currently or formerly incarcerated;*

*(g) The prevalence of trauma, including, without limitation, measurements of:*

*(1) Adverse childhood experiences within the community served by the school district or charter school;*

*(2) Behaviors and risks associated with increased rates of trauma; and*

*(3) Other poor health outcomes, including, without limitation, physical and mental health; and (h) The unique needs and characteristics of the community served by the school district or charter school which may affect the educational experience of pupils in the community.*

*2. The board of trustees of each school district and the governing body of each charter school shall submit to the Department, on or before August 1 of each year, an annual report regarding the description of the social and environmental factors identified pursuant to subsection 1. The report must include, without limitation, information regarding the sources consulted in identifying the social and environmental factors pursuant to subsection 1, including, without limitation, copies of manuscripts or other reports, citations of reports or findings and links to Internet websites from which such information was obtained. The Department shall provide an annual summary report of the information provided to the Department pursuant to this subsection to the State Board of Education.*

*3. To facilitate compliance with this section and NRS 388.900, the Department shall:*

*(a) Provide a list of resources that reflect nationally accepted measurements of the social and environmental factors required to be identified pursuant to subsection 1 at least annually to the board of trustees of each school district and the governing body of each charter school; and*

*(b) Post the list of resources most recently provided pursuant to paragraph (a) on its Internet website.*

*4. When making decisions concerning a school or interacting with and making decisions concerning the staff of a school or the pupils enrolled at a school, the Department, the board of trustees of each school district, the governing body of each charter school and the staff of each public school must consider, in addition to the social and environmental factors identified pursuant to subsection 1, any other factor present in the community served by the school that serves to mitigate or protect against the harm caused by any of the social and environmental factors identified pursuant to subsection 1.*