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STATE OF NEVADA BOARD OF EDUCATION

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October 6, 2020

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of
the Nevada State Board of Education as proposed in LCB File #R064-20

The Nevada State Board of Education will hold a public hearing **at 11:10 A.M. on Thursday, November 12, 2020 via videoconference**. In accordance with Governor Steve Sisolak's State of Emergency Directive 006, Section 1, there will be no physical location designated for this meeting. The meeting will be livestreamed on the Nevada Department of Education's [website](#), and may be navigated to from [https://doe.nv.gov/State Board of Education/](https://doe.nv.gov/State_Board_of_Education/)

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 388 of the Nevada Administrative Code (NAC), pursuant to Senate Bill 267 from the 2019 Legislative Session, regarding the Social and Environmental Factors that effect a student's education experience.

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

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with Senate Bill 267 of the 2019 Legislative Session, the Nevada State Board of Education is instructed to adopt regulations requiring:
 - *"the Board of Trustees of each school district and the governing body of each charter school identify the social and environmental factors that affect the educational experience of pupils...and provide a description of those factors to the Department"*
 - *"...the factors identified...[be considered] when making decisions concerning the school or interacting with and making decisions concerning the staff of the school or pupils enrolled at the school [including] the allocation of money, the provision of integrated student supports...evaluations of members of the staff...salaries of members of the staff or the school and the discipline of pupils."*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation would require the board of trustees of each school district and the governing body of each charter school to identify social and environmental factors affecting pupils which include: the availability of consistent and affordable housing; the

availability of consistent and affordable food; poverty and unemployment; the availability of affordable transportation; access to predictable and affordable health care; crime and violence; the prevalence of trauma; other unique needs and characteristics of the community served by the district or charter school.

It would further require that boards of trustees and governing bodies of charter schools submit annual reports to NDE regarding these social and environmental factors, and for NDE to submit an annual summary of that information to the Board.

Finally, it requires NDE to provide a list of resources of nationally accepted measures of certain social and environmental factors to boards of trustees and governing bodies of charter schools and post those lists on the NDE website, and two work with boards of trustees and governing bodies of charter schools, as well as the staff of each school, to consider factors that serve to mitigate or protect against the harm caused by social and environmental factors.

The revised text of the proposed regulation is attached to this notice.

- 3. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 4. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 5. The estimated cost to the agency for enforcement of the proposed regulation:** no costs.
- 6. Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** there is no duplication or overlap of regulations of state or local government agencies.
- 7. Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
- 8. Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
- 9. Does the proposed regulation establish a new fee or increase an existing fee?** the proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency

Persons wishing to comment upon the proposed action of the State Board of Education may submit written comment to the Nevada Department of Education via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. 5th Street, Carson City, Nevada. Comments may be

submitted via email leading up to and for the duration of the hearing and those submitted via email must be received by the Department on or before November 11. The Board of Education will proceed to act upon any written submissions. A record of all submitted comments will be retained.

The requirements set forth in NRS 241.020(4)(a) for the posting of agenda for public meetings was suspended in Governor Sisolak's State of Emergency Directive 006.

This notice and the text of the proposed regulation are available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and online at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be emailed and/or mailed to members of the public upon request. A reasonable fee may be charged for copies, if it is deemed necessary.

A copy of this notice and the regulation to be adopted has been posted on the Nevada Department of Education's website at <https://www.doe.nv.gov>, as well as Nevada's Public Notice site at <https://www.notice.nv.gov>.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

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

LCB File No. R064-20

September 9, 2020

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

AUTHORITY: §1, NRS 388.900.

A REGULATION relating to education; requiring the board of trustees of each school district and the governing body of each charter school to identify certain social and environmental factors that affect the educational experience of pupils; requiring the board of trustees of each school district and the governing body of each charter school to submit to the Department of Education a report containing certain information ; requiring the Department to provide a list of resources of nationally accepted measurements of such social and environmental factors; requiring certain governmental entities to consider certain mitigating factors when making decisions relating to a school, staff or pupils; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations that require the board of trustees of each school district and the governing body of each charter school to identify social and environmental factors that affect the educational experience of pupils at each school in that school district and each charter school governed by the governing body. Existing law also requires the State Board to adopt regulations requiring the Department of Education, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider those factors when making decisions regarding the school and its pupils and staff. (NRS 388.900)

This regulation requires the board of trustees of each school district and the governing body of each charter school to identify social and environmental factors affecting pupils which include, without limitation: (1) the availability of consistent and affordable housing; (2) the availability of consistent and affordable food; (3) poverty and employment; (4) the availability of affordable transportation; (5) access to predictable and affordable health care; (6) crime and violence; (7) the prevalence of trauma; and (8) any other unique needs and characteristics of the community served by the school district or charter school which may affect the educational experience of pupils.

This regulation further requires the board of trustees of each school district and the governing body of each charter school to submit an annual report to the Department regarding

such social and environmental factors. This regulation requires the Department to submit an annual summary of such information to the State Board.

This regulation also requires the Department to provide a list of resources of nationally accepted measurements of certain social and environmental factors to the board of trustees of each school district and the governing body of each charter school and to post such a list on its Internet website. Finally, this regulation requires the Department, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider factors that serve to mitigate or protect against the harm caused by social and environmental factors.

Section 1. 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 must include, without limitation, 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.