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August 23, 2022

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 #R067-22

The Nevada Department of Education will hold a public hearing at 1:00 P.M. on Tuesday, August 23, 2022 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 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 the Nevada Revised Statutes 388.157.

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 NRS 388.157 the Nevada Department of Education shall:
 - *“adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year.”*
- 2. Description of the proposed regulation, or the subjects and issues involved:** This regulation would establish when an incoming pupil must receive a kindergarten entry assessment and how the school of the pupil must be reported to the Department of Education; and providing other matters properly relating thereto.
- 3.** The revised text of the proposed regulation is attached to this notice.
- 4. 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.
- 5. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
- 7. Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

- 8. Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
- 9. 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.
- 10. 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.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the Nevada Department of Education, via email at NVBoardED@doe.nv.gov by telephone at (775)687-9224 or in person at the Nevada Department of Education, 700 E. Fifth Street Carson City, Nevada 89701. Persons wishing to comment upon the proposed action of the Nevada Department of Education may provide in-person testimony, 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. Fifth Street Carson City, Nevada 89701. Comments may be submitted via email leading up to and for the duration of the hearing, and those submitted via mail must be received by the Department on or before August 22, 2022. A record of all submitted comments will be retained, and the State Board of Education will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the State Board 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>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted 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.

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
DEPARTMENT OF EDUCATION**

LCB File No. R067-22

June 1, 2022

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

AUTHORITY: § 1, NRS 388.157.

A REGULATION relating to assessments for pupils; establishing when an incoming pupil must receive a kindergarten entry assessment and how the score of the pupil must be reported to the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Department of Education to adopt regulations that prescribe procedures for assessing the development across early learning domains of a pupil enrolled in kindergarten within the first 45 days of school in a school year. (NRS 388.157) This regulation requires that: (1) such an assessment be administered to each incoming kindergarten pupil at the beginning of the school year, except a pupil who enrolls more than 45 school days after the school year has begun; and (2) the scores from those assessments be entered into a designated data entry system.

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

1. Except as otherwise provided in subsection 2, an assessment of the development of a pupil across early learning domains must be administered to each incoming kindergarten pupil not earlier than 15 calendar days before nor later than 45 school days after the beginning of the school year.

2. An assessment is not required to be administered pursuant to subsection 1 to a pupil who enrolls in kindergarten more than 45 school days after the beginning of the school year.

3. The score of each assessment administered pursuant to subsection 1 must be submitted to the Department through a data entry system designated by the Department not later than 90 school days after the beginning of the school year.