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Governor

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STATE OF NEVADA
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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 **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 Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

1:20 P.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX – Which pertains to regulations to identify the social and environmental factors that affect the educational experience of pupils.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials](#) page, by contacting Dylan Fuson, Board Secretary, 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 workshop, and those submitted via mail must be received by the Department on or before Monday, August 22, 2022.

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 and/or mailed to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: July 19, 2022

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX– Which pertains to regulations to identify the social and environmental factors that affect the educational experience of pupils.

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 paraprofessional exam requirements 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,

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Jhone M. Ebert
Superintendent of Public Instruction

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

LCB File No. R144-22

June 30, 2022

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.