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October 6, 2022

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Temporary Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #T003-22

The Nevada State Board of Education will hold a public hearing **at 10:15 A.M. on Thursday, October 6, 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 temporary amendment of regulations pertaining to Chapter 387 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 387.1211.

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:** This regulation is necessary to revise the definition of "At-risk pupil" In accordance with NRS 387.1211:
 - *"At Risk" means a pupil who is eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., or an alternative measure prescribed by the State Board."*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The purpose of these regulations is to revise the Pupil-Centered Funding Plan's definition of "At-risk pupil" to a pupil that has an economic or academic disadvantage such that they require additional services and assistance to enable them to graduate with their cohorts.
- 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 State Board 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 State Board of Education may provide in-person testimony, submit written comment to the State Board 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 October 5, 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. 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.

NAC 387.1211

1. For the purposes of NRS 387.1211, the definition of at-risk, adopted by the State Board of Education, is a pupil is “at-risk” if the pupil has an economic or academic disadvantage such that they require additional services and assistance to enable them to graduate with their cohorts. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are at risk of dropping out of high school, and pupils who do not meet minimum standards of academic proficiency.
 - a. The definition of “at-risk” does not include pupils with a disability, pupils also designated as gifted and talented, or pupils who are English Learners.