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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R084-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **9:01 AM on Friday, January 23, 2026**, available to stream online via [YouTube](#) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 391A.XXX.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** SB460 (2025) establishes the Education Service Center and authorizes the Superintendent of Public Instruction to develop regulations for the development of the Center.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation establishes certain aspects of the Education Service Center, to include defining terms and allowable and/or required activities for the Center.
- 3. How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No anticipated economic effect.
- 5. Methods used by the agency in determining the impact on small businesses:** The Education Service Center will support local education agencies and will not have an impact on small businesses.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.
- 7. Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.
- 8. Whether the regulation is required by federal law:** No.

9. Whether the regulation is more stringent than federal regulations regarding the same activity: No.

10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

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 to members of the public upon request.

Notice per NRS 233B.064: Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall 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
SUPERINTENDENT OF PUBLIC INSTRUCTION**

LCB File No. R084-25

December 9, 2025

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

AUTHORITY: §§ 1-14, Section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460.

A REGULATION relating to education; setting forth certain requirements and preferences for the appointment of the members of the Board of the Education Service Center; imposing certain duties on the Superintendent of Public Instruction relating to appointments to fill vacancies in the membership of the Board; establishing certain provisions governing the appointment of an Executive Director of the Center; setting forth certain preferences which must be given in employing certain employees and hiring independent contractors to carry out the activities of the Center; setting forth certain provisions governing contracts and interlocal agreements for the Center; establishing certain requirements for the maintenance of an Internet website by the Center; requiring the Executive Director to provide an annual written report of the activities of the Center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2025 Legislative Session, the Nevada Legislature passed Senate Bill No. 460, which: (1) created the Education Service Center as an educational service agency to develop, manage and provide services and programs to local educational agencies and, as necessary, to other local governments; (2) set forth certain requirements for the appointment of the members of the Board of the Education Service Center as the Center's governing body; (3) authorized the Board to appoint an Executive Director; (4) set forth certain duties and powers of the Center, Board and Executive Director; and (5) authorized the Superintendent of Public Instruction to adopt regulations to prescribe operational aspects of the Education Service Center, including, without limitation, qualifications for the Board and employees of the Center and procedures for contracting. (Section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460)

Sections 2-6 of this regulation define certain words and terms for the purposes of provisions relating to the Education Service Center.

Section 7 of this regulation sets forth certain requirements and preferences which must be given in the appointment of the members to the Board.

Section 8 of this regulation requires the Superintendent of Public Education to prepare a list of not fewer than two persons who meet the qualifications for a vacant position on the Board

and to submit the list to the person authorized to make the appointment or the State Board, as applicable, whenever there is a vacancy in the membership of the Board.

Section 9 of this regulation: (1) provides that the Board may establish its own process and procedure for appointing the Executive Director; and (2) sets forth the qualifications for a person to be eligible to be appointed to the position of Executive Director.

Section 10 of this regulation sets forth certain preferences which must be given by the Executive Director in employing any employees or hiring any independent contractors which are necessary to carry out the duties of the Center.

Section 11 of this regulation authorizes the Executive Director to enter into contracts to conduct research or evaluations and provide other services in the performance of the activities of the Center. **Section 11** also requires that the Center comply with all provisions of the Nevada Revised Statutes and Nevada Administrative Code governing the purchasing of goods and services and the issuance of contracts, except for certain contracts for the hiring of professionals as independent contractors. (Chapters 333 of NRS and NAC) Finally, **section 11** requires: (1) that certain contracts, the value of which, singularly or in the aggregate, are equal to or exceed \$50,000 during a single fiscal year be approved by the Board before being executed by the Executive Director; and (2) the Executive Director to annually provide the Board with a list of all contracts which have a value of less than \$50,000.

Section 12 of this regulation authorizes the Executive Director to enter into interlocal agreements with certain entities for the operation and support of the Center.

Section 13 of this regulation: (1) requires the Center to maintain an Internet website available to the public; and (2) specifies certain information which must be included on the website.

Section 14 of this regulation requires the Executive Director to provide an annual written report of the activities of the Center to the Governor, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmittal to the leadership of the Legislature.

Section 1. Chapter 391A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Board” means the Board of the Center.*

Sec. 4. *“Center” means the Education Service Center.*

Sec. 5. *“Executive Director” means the Executive Director of the Center.*

Sec. 6. *“Superintendent” means the Superintendent of Public Instruction.*

Sec. 7. 1. In appointing two members of the Board pursuant to paragraph (a) of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, the Governor shall give preference to:

- (a) One person who represents higher education; and**
- (b) One person who has a background in public administration and finance.**

2. In appointing members of the Board pursuant to paragraphs (b) to (e), inclusive, of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the Assembly and the Minority Leader of the Assembly, respectively, shall give preference to persons as described herein to ensure, to the extent possible, that the Board is composed of:

- (a) One person who has administrative experience in a school district in this State, including, without limitation, a trustee of a local school district, a superintendent of a school district or another person who has senior administrative responsibilities at the district level of a school district;**
- (b) One person who serves or has served as a principal of a school in a school district or a charter school which has attained the highest or second highest rating of performance in accordance with the statewide system of accountability for public schools as it pertains to school districts and charter schools in this State pursuant to sections 6.2 to 6.6, inclusive, of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3354-3360, and was serving as the principal of the school in the school district or charter school, as applicable, at the time the school in the school district or charter school attained the rating;**
- (c) One person who is a member of the governing body of a regional training program created by NRS 391A.120; and**

(d) One teacher who actively teaches in a school district or at a charter school which has attained the highest or second highest rating of performance in accordance with the statewide system of accountability for public schools as it pertains to school districts and charter schools in this State pursuant to sections 6.2 to 6.6, inclusive, of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3354-3360, and was teaching in the school district or at the charter school, as applicable, at the time the school district or charter school attained the rating.

3. In all appointments made pursuant to this section and subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, attention must be given to the representation of:

- (a) Large and small school districts;*
- (b) Charter schools; and*
- (c) The geographic distribution of school districts in this State.*

4. The member of the Board who is appointed by the State Board pursuant to paragraph (f) of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, must be a member of the State Board elected pursuant to paragraph (a) of subsection 1 of NRS 385.021.

Sec. 8. If a vacancy occurs in the membership of the Board, the Superintendent will:

- 1. Prepare a list of not fewer than two persons who meet the qualifications for the vacant position as set forth in section 7 of this regulation; and*
- 2. Submit the list prepared pursuant to subsection 1 to the person who is authorized to make the appointment or the State Board, as applicable, pursuant to subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460.*

Sec. 9. 1. *The Board may establish its own process and procedure for appointing the Executive Director.*

2. *To be eligible to be appointed to the position of Executive Director, a person must:*

- (a) Have attained the age of 21 years at the time of his or her appointment;*
- (b) Possess the knowledge and ability to oversee the activities of the Center, as set forth in subsection 8 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460;*
- (c) Have demonstrated experience administering large public agencies, programs or systems; and*
- (d) Have demonstrated experience with establishing or administering programs to improve the performance of schools.*

Sec. 10. *Within the limits of available funds, the Executive Director may employ such employees and hire such independent contractors as deemed necessary to carry out the duties of the Center, with a preference for experience:*

- 1. In system governance, public administration or finance;*
- 2. Identifying and evaluating evidence-based educational practices; and*
- 3. As an administrator, principal or teacher in an elementary or secondary school.*

Sec. 11. 1. *The Executive Director may enter into contracts with a business licensed in this State or with other persons to conduct research or evaluations and provide other services in the performance of the activities of the Center.*

2. *Except as otherwise provided in subsection 3, the Center shall comply with all provisions of chapters 333 of NRS and NAC for the purchasing of goods and services and the issuance of contracts.*

3. *The Executive Director shall collaborate with the Administrator of the Purchasing Division of the Department of Administration to ensure that professionals which the Center hires as independent contractors are contracted expeditiously and without competitive selection as authorized by subsection 2 of NAC 333.150.*

4. *Any contracts the value of which, singularly or in the aggregate, are equal to or exceed \$50,000 during a single fiscal year must be approved by the Board before being executed by the Executive Director.*

5. *The Executive Director shall annually provide to the Board a list of all contracts which have a value less than \$50,000.*

Sec. 12. *The Executive Director may enter into interlocal agreements for the operation and support of the Center with:*

1. *The Department;*
2. *The Nevada System of Higher Education; and*
3. *Any governmental agency, including, without limitation:*
 - (a) *A school district;*
 - (b) *The governing body of a charter school; and*
 - (c) *A regional training program created by NRS 391A.120.*

Sec. 13. *The Center shall maintain an Internet website available to the public which includes, without limitation:*

1. *All requests received from school districts for the services of the Center;*
2. *An annual summary of services provided by the Center, disaggregated by each school district and each sponsor of a charter school, as applicable;*

3. *The resumes and qualification of persons employed by or contracted with the Center;*
and

4. *The sources of all funding of the Center.*

Sec. 14. *The Executive Director shall annually, not later than June 30 of each year, provide a written report of the activities of the Center to:*

1. *The Governor;*
2. *The Superintendent; and*
3. *The Director of the Legislative Counsel Bureau for transmittal to:*
 - (a) *The Majority Leader of the Senate;*
 - (b) *The Minority Leader of the Senate;*
 - (c) *The Speaker of the Assembly; and*
 - (d) *The Minority Leader of the Assembly.*