

**STATE BOARD OF EDUCATION
REGULATION HEARING AGENDA**

June 24, 2026

9:00 AM

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Board Room
Department of Education	Virtual/Livestream	Virtual	YouTube Link

Summary Minutes of the Board Meeting

BOARD MEMBERS PRESENT

Dr. Katherine Dockweiler, President

Tim Hughes, Vice President

Tamara Hudson, Clerk

Annette Dawson Owens, Member

Susan Neal, Member

Dr. Victor Wakefield, Superintendent of Public Instruction

BOARD MEMBERS ABSENT EXCUSED

Dr. Tricia Braxton, Member

Amy Carvalho, Member

Jade Jow, Member

Danielle Ford, Member

Angela Orr, Member

1. CALL TO ORDER

President Dockweiler called the meeting to order at 9:07 AM.

2. PUBLIC COMMENT #1

The first period of public comment was opened by **President Dockweiler at 9:08 AM.**

President Dockweiler opened the first period of public comment for any item on the agenda. Members of the public were requested to hold item-specific feedback until the respective regulation hearings opened.

- **Carson City:** No comments.
- **Las Vegas:** No comments.
- **Online/Written Submissions:** No submissions.

3. 9:00 AM REGULATION HEARING FOR R018-26 ON PROPOSED CHANGES TO NAC 388D REGARDING REPORTING REQUIREMENTS FOR SCHOLARSHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R018-26. This regulation repeals regulatory language that was removed directly into statute by SB460 and creates a uniform method and data standards for student-level reporting.

President Dockweiler opened the hearing at 9:09 AM

Anna Reynolds (Director of the Office of Career Readiness, Adult Learning, and Education Options) introduced the regulation. She explained that R018-26 updates the Nevada Administrative Code (NAC) by removing duplicative data and reporting tracking requirements. These requirements were already structurally absorbed into the Nevada Revised Statutes (NRS) through Senate Bill 460 during the 2025 Legislative Session. This regulatory adjustment streamlines state governance and locks in a clear, uniform method for tracking students utilizing SGO scholarship funding.

Public Comment Specific to Item 3: President Dockweiler opened Public Comment for Item 3.

- **Carson City:** No comments.
- **Las Vegas:** No comments.
- **Online/Written Submissions:** No submissions.

Board Discussion:

Tim Hughes sought clarification regarding the broader federal landscape, specifically asking staff if the internal cleanup of state SGO regulations would run into conflict with, or be complicated by, upcoming federal-level Treasury guidance regarding tax rules for scholarship-granting groups.

Dr. Victor Wakefield (Superintendent of Public Instruction) responded directly to the inquiry. He confirmed that while the Department of Education is actively tracking the federal Treasury's rulemaking process, the state-level program governed under SB460 operates on a completely independent statutory mechanism. Because the structures are entirely separate, the federal rollout will not conflict with these state rules.

Action Taken:

Motion: President Dockweiler moved to approve R018-26.

Second: Member Hudson seconded the motion.

Vote: The motion passed unanimously.

President Dockweiler closed the hearing for Item 3 at 9:15 AM.

- 4. 9:01 AM REGULATION HEARING FOR R085-25 ON PROPOSED CHANGES TO NAC 388D REGARDING EXPANDED ACCOUNTABILITY AND STUDENT ASSESSMENT PROVISIONS FOR PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM**
(For possible action)

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R085-26. This regulation aligns private school assessment requirements with state and federal public school assessment requirements per SB460 (2025) provisions.

Peter Zutz (Administrator of the Office of Assessment, Data, and Accountability Management) presented the changes stemming from SB460 (2025). He explained that the regulation mandates private schools administering examinations comply with provisions for assessment security, administration, confidentiality of testing materials, and disclosure of testing irregularities. It also explicitly authorizes the Department of Education to conduct on-site monitoring.

Public Comment Specific to Item 4: President Dockweiler opened Public Comment for Item 4.

- **Carson City:** No comments.
- **Las Vegas:** No comments.
- **Online/Written Submissions:** No submissions.

Board Discussion: No questions or comments were brought forward by the board members.

Action Taken:

- **Motion:** **Tamara Hudson** moved to approve regulation R085-25.
- **Second:** **Annette Dawson Owens** seconded the motion.
- **Vote:** The motion passed unanimously.

Item Closed: President **Dr. Katherine Dockweiler** closed the hearing for Item 4 at 9:18 AM.

5. 9:02 AM REGULATION HEARING FOR R020-26 ON PROPOSED CHANGES TO NAC 389 REGARDING UPDATES TO THE UNIFORM GRADING SCALE *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26. This regulation adds provisions to the uniform grading scale regarding dual credit coursework.

Andrew Snyder (Assistant Director for the Office of Teaching and Learning) introduced the regulation. He explained that R020-26 explicitly adds dual credit alongside International Baccalaureate (IB), Advanced Placement (AP), and Honors courses into the uniform grading scale. It sets the weighted value of dual credit in core academic subjects at 0.5 to match AP courses. Addressing previous board concerns about broad GPA inflation or stacking, Snyder noted that after consulting the Legislative Counsel Bureau (LCB), the language remained unedited because NRS dictates that the 0.5 weight can only apply to core academic content areas. The department will issue an updated guidance memo to districts clarifying this and repeals outdated references to the 2014-2015 school year.

Public Comment Specific to Item 5: President Dr. Katherine Dockweiler opened Public Comment for Item 5 *(conducted mid-discussion due to accidental skip)*.

- **Carson City:** No comments.
- **Las Vegas:** No comments.
- **Online/Written Submissions:** No submissions.

Board Discussion:

Tim Hughes expressed concern regarding the loose boundaries of "core academics" and asked who decides what qualifies as a core course outside of standard titles, highlighting that prior course approvals felt like the "wild west" regarding quality and rigor.

Andrew Snyder clarified that core content areas are legally locked in by NRS 389.018, which strictly lists four core subject blocks: Social Studies, Mathematics, Science, and English Language Arts (ELA).

Action Taken:

- **Motion:** **Annette Dawson Owens** moved to approve regulation R020-26.
- **Second:** **Tamara Hudson** seconded the motion.
- **Vote:** The motion passed 3-1 (with three members voting "I" and one member voting opposed "Nay").

Item Closed: President **Dr. Katherine Dockweiler** closed the hearing for Item 5 at 9:26 AM.

6. 9:03 AM REGULATION HEARING FOR R131-22 ON PROPOSED CHANGES TO NAC 388 REGARDING RESIDENTIAL TREATMENT FACILITIES PROVIDING TREATMENT AND/OR EDUCATIONAL SERVICES TO PUBLIC SCHOOL STUDENTS

(For possible action)

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R131-22. This regulation establishes procedures regarding the placement and care of K-12 students, particularly those in the custody of a public agency, into psychiatric hospital / residential treatment facilities. This regulation also outlines the duties of the hospital / facility and the local education agency as it relates to transition supports for students.

Amelia Thibault (Legislative Liaison) introduced the regulation. She explained that R131-22 establishes explicit responsibilities for local education agencies and treatment facilities to manage the academic progress, Individualized Education Program (IEP) compliance, and smooth re-entry/discharge planning of K-12 students receiving care in psychiatric hospitals and residential treatment facilities, particularly those in public agency custody.

Public Comment Specific to Item 6: President **Dr. Katherine Dockweiler** opened Public Comment for Item 6.

- **Carson City**
 - **NAS: AJ Fueling** (Superintendent of Carson City School District and Vice President for NAS) expressed serious concerns regarding sections 9, 10, and 12 of the proposed regulation, summarizing feedback from multiple school districts.

- *Timeline Challenges:* He noted that the mandated 3-day window under section 10(1) and section 9 is insufficient for stabilizing a student, requesting it be extended to 10 days.
- *Administrative Burden:* He highlighted that sections 10(4), 10(6), and 12 place massive workloads—including monitoring IEP implementation, tracking academic credits, and preparing written discharge plans—squarely on school districts, which presents operational problems, especially for rural districts.
- *Lack of Enforcement/Authority:* He stated that while the regulation assumes districts will oversee progress and planning, it fails to explicitly require private facilities to provide regular updates, admission/discharge alerts, or timely record sharing. He emphasized that districts do not possess the regulatory authority or logistical access to evaluate facility legal compliance, nor do they have the funding to support these oversight mandates when facilities are located hours away.
- **Las Vegas:**
 - **Anna Atkins** (Director of Government Relations at the Clark County School District) expressed strong opposition to the regulation, detailing why CCSD urges the board to delay adoption and return the text to workshops.
 - *Unfunded Mandate:* She described the proposal as an unfunded mandate that would require CCSD to hire unbudgeted personnel to track admissions, audit credits, coordinate summaries, and manage re-entry timelines.
 - *Unrealistic Timelines & Data Gaps:* She called the 3-day timeline to convene an IEP meeting practically impossible, noting that school districts are rarely notified of admissions or out-of-state placements until weeks or months after they occur.
 - *Misplaced Accountability:* Regarding section 9, she argued that if a psychiatric hospital is financially reimbursed by the state for providing educational services, the facility—not the school district—should be held directly accountable for reporting progress.
 - *Lack of Jurisdiction:* She noted that sections 10(2) and 10(4) fail to give guidance on how districts are supposed to audit private/medical facilities, pointing out that districts have zero jurisdiction or enforcement authority beyond state lines to ensure legal compliance.
 - *Legal Liability:* She stated section 11(2) is the most concerning section because it places an expectation on districts to prevent violations of a child's rights by outside entities, stressing that districts should not face legal liability for third-party operational failures.
- **Online/Written Submissions:**
 - An abbreviated version of a nine-page written public comment submission from **Washoe County School District (WCSD)** was read into the record. WCSD acknowledged the department's revision efforts but remained concerned that several provisions exceed the authority of NRS 432B.60847 by shifting court, child welfare agency, and treatment provider operational obligations onto school districts. WCSD requested specific textual changes:
 - *Section 9:* Recommended text stating that the psychiatric hospital seeking state reimbursement must hold sole responsibility for providing educational services, implementing IEPs, and reporting progress to the private/public school.
 - *Section 10(2) and 10(3):* Highlighted a language discrepancy where regulations used mandatory wording for students with IEPs but permissive text

for students without IEPs. WCSD requested that the rules be shifted to permissive text across the board, explicitly ensuring that districts are only responsible for sharing student data to consult on placement appropriateness, but are not responsible for certifying or evaluating facility legal compliance.

- *Section 10(4) and 10(6)*: Recommended text shifting compliance oversight of hospitals and facilities to the Nevada Department of Education and the Nevada Health Authority, rather than school districts. WCSD also noted that because district IEP teams do not execute these unilateral residential placements, they should not be held responsible under IDEA for external IEP implementation or required to modify an IEP solely due to a unilateral third-party placement.

Board Discussion:

President Dr. Katherine Dockweiler Expressed appreciation for NDE's stakeholder coordination, noting that policymaking is rarely completely perfect. Reflecting on the intense public comments regarding district tracking burdens and strict timelines, she asked staff how many of these contentious pieces are mandatory under the Nevada Revised Statutes (NRS) and how much flexibility the board actually retains to make adjustments.

Amelia Thibault Clarified that NDE is largely constrained by NRS and federal Code of Federal Regulations (CFR) requirements under IDEA and FAPE (Free Appropriate Public Education). She noted that the Legislative Counsel Bureau (LCB) had already thoroughly audited the draft and removed any prescriptive provisions that exceeded NDE's legal authority, meaning the core substance of the language is inflexible at this stage.

President Dr. Katherine Dockweiler Asked if there were any specific items raised in the districts' public testimony that the board *does* still have purview over and could legally modify.

Amelia Thibault Confirmed that the vast majority of the school districts' requests—such as those submitted by Washoe County—cannot legally be integrated because of strict parameters within federal laws, FAPE, and the scope of the NRS. She cautioned that repeatedly sending the text back to workshops would not yield substantial language changes because they are structurally locked within these legal brackets.

Vice President Tim Hughes Agreed that districts would likely never be fully satisfied due to a fundamental disagreement with the underlying law itself. He noted he was uncompelled by workload complaints since the total state sample size was only about six students last year, meaning most districts face minimal operational pressure. However, he expressed strong concern regarding the district liability piece, asking if the hardcoding of the NRS inherently forces districts to face accountability/liability for external operational failures when third parties fail to do their jobs.

Amelia Thibault Acknowledged that a certain level of liability always exists, but explained that courts look for "good faith" efforts regarding practical feasibility. If a district is mandated to hold a meeting within 3 days but is never given notice of an admission by the public agency or hospital, the district cannot realistically be faulted or held liable.

Superintendent Dr. Victor Wakefield Stepped in to ask Deputy Superintendent McGill if she had any additional legal context or data to provide regarding the friction surrounding the liability and statutory structures.

Deputy Superintendent McGill Confirmed she had nothing additional to add to the legal overview, observing that the board is witnessing a clear, fundamental disagreement with how the NRS functions alongside federal law.

Superintendent Dr. Victor Wakefield Followed up by stating that NDE has already altered the flexible areas of the draft multiple times and urged the board to adopt the text as a necessary "baby step forward," which will give the state a framework to progress monitor the system and determine how to improve inter-agency operations for highly vulnerable youth.

Director Julie Bowers Conveyed through Superintendent Wakefield that this regulation does not actually impose any novel duties on Local Education Agencies (LEAs) that aren't already fundamentally mandated under preexisting federal statute obligations of FAPE and Child Find.

Susan Neal Shared her perspective as a rural CASA volunteer, noting that in her area (Elko), foster youth are routinely placed in out-of-state facilities like Copper Hills in Salt Lake City. She emphasized that while communication is messy and districts are rarely notified of admissions, the small sample size makes this oversight doable if districts remain vigilant alongside Child and Family Services (DCFS). She explicitly requested confirmation on whether out-of-state placements are fully covered under this text.

Amelia Thibault Confirmed that out-of-state placements are covered, explaining that while placing foster students in-state is preferred, limited treatment options sometimes force out-of-state transitions.

Director Julie Bowers Reaffirmed that under federal law, the student's original district of residence in Nevada retains ultimate responsibility for ensuring FAPE and fulfilling Child Find obligations, regardless of where the physical treatment facility is located.

Tate Else Highlighted that the primary source of district frustration is that treatment centers routinely refuse to communicate with school systems. He shared a real-time example from that week where his district received a discharge notification for a student they had no idea was even admitted. He asked if a regulatory baseline or loophole could be introduced specifying that a district's strict compliance timelines do not legally commence until the district receives formal notification from the facility side.

Amelia Thibault Validated that communication issues are the main barrier on all sides. She highlighted that NDE launched an automated tracking portal in October which delivers direct admission and discharge notifications to school districts (which is how Member Else received his notice). She noted that while it is not a perfect solution yet, they have seen significant progress over the last 9 months and expect a 2-to-3-year implementation timeline to fully smooth out lines of communication with other state agencies.

Vice President Tim Hughes Asked an additional question regarding out-of-state facilities: Are out-of-state entities legally obligated to follow Nevada's NRS, or do they have to sign a

specific agreement to comply given that they are operating under a completely different state's laws?

Amelia Thibault Explained that Nevada's primary leverage over out-of-state entities is funding. Facilities must apply to NDE and opt into complying with the NRS rules in order to successfully receive state financial reimbursement for the educational services they provide to Nevada students.

Vice President Tim Hughes Asked a question regarding intent: If federal FAPE and IDEA rules already mandate the broad tracking of these students, what exactly was the underlying local law (SB210) trying to solve? Is it a "Venn diagram overlap" designed to provide process clarity specifically for the foster care system where federal law is silent?

Amelia Thibault Confirmed his assessment. She explained that federal scopes apply strictly to students who already have an established IEP, whereas the state bill (SB210) specifically solves for the coordination and educational continuity of *all* foster students in public agency custody, bridging the overlapping demographic gap not accounted for in existing broad statutes.

Director Julie Bowers Confirmed that Vice President Hughes' "Venn diagram" interpretation was entirely correct, adding that the federal language references were purposefully integrated into the text as a baseline reminder of the districts' absolute core obligations.

Annette Dawson Owens Expressed appreciation for the robust discussion centered on protecting highly vulnerable students. She stated that while the system isn't perfect, moving forward with this foundational framework is a necessary first step to keep accountability moving forward and iteratively address remaining operational barriers. She then transitioned her remarks into a formal motion to approve regulation R131-22.

Action Taken:

- **Motion:** **Annette Dawson Owens** moved to approve regulation R131-22.
- **Second:** **Tamara Hudson** seconded the motion.
- **Vote:** The motion passed unanimously (4-0) among present voting members.

Item Closed: President **Dr. Katherine Dockweiler** closed the hearing for Item 6 at 10:11 AM.

7. PUBLIC COMMENT #2

President Dockweiler opened the second period of public comment for any item on the agenda.

- **Carson City:** No comments.
- **Las Vegas:** No comments.
- **Online/Written Submissions:** No submissions.

8. ADJOURNMENT

President Dockweiler adjourned the meeting.