

Joe Lombardo  
Governor

Jhone M. Ebert  
Superintendent of  
Public Instruction



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**STATE OF NEVADA**  
**DEPARTMENT OF EDUCATION**  
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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, March 19, 2024**, via [Livestream Link](#) and 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:

**3:05 P.M Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 385.XXX—  
POLICY CONCERNING THE TREATMENT OF INJURIES TO THE HEAD THAT AFFECT  
THE ABILITY OF A PUPIL TO LEARN.**

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov), by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov) or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. 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, March 18, 2024**.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department 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>, 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:** March 19, 2024

**RE:** Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 385.XXX.

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 a policy concerning the treatment of injuries to head 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,

Jhone M. Ebert  
Superintendent of Public Instruction

### *NAC Chapter 385.XXX*

*The Nevada Department of Education will prescribe a policy concerning the treatment of injuries to the head that affect the ability of a pupil to learn and otherwise engage with his or her coursework at school, including, without limitation, a concussion to the brain. The policy will*

- Require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer reviewed evidence until the pupil is mentally and physically ready to return to full participation in his or her coursework;*
- Be reviewed every five years and updated, as necessary, to reflect current best practices in the prevention and treatment of injuries to the head.*

### *NAC Chapter 385.XXX*

*The Nevada Department of Education will prescribe a policy concerning the treatment of head injuries that affect the ability of a pupil to learn and otherwise engage with their coursework at school, including, without limitation, a concussion to the brain. The policy;*

- Ensure that each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils, as applicable, will have a policy for pupils who have sustained or are suspected of having sustained a head injury, to return to learn, regardless of the location where the pupil sustained the injury, that includes without limitation the following:*
  - Each school district, charter school or university school for the profoundly gifted pupils will have posted on their maintained Internet website the policy*
  - The Nevada Department of Education will have posted on their maintained Internet website a sample policy template for the pupil to return to learn*
  - The school will notify the pupil's parent or legal guardian of the sustained or suspected head injury if the injury occurs during a school related activity;*
    - The parent or legal guardian of the pupil will be provided with a printed or electronic copy of the policy;*
  - Each school and school district have a system in place to notify the school nurse, or designee, if a student has sustained or is suspected of having sustained a head injury;*
    - The parent or legal guardian of the pupil must notify the school if their pupil has sustained or is suspected of having sustained a head injury if the injury occurred outside of school;*
  - Each school will have a signed statement by the pupil and their*

*parent or guardian of the associated risks of participation in an activity or event in which a pupil may sustain a head injury as outlined in NRS 392.452.*

- *If a pupil who has sustained or is suspected of having sustained a head injury is experiencing the following symptoms, the school will follow their emergency management protocols to assist the pupil in being evaluated by a healthcare provider as soon as reasonably possible;*
  - *Neck pain or tenderness*
  - *Seizure or convulsion*
  - *Double vision*
  - *Loss of consciousness*
  - *Weakness or tingling/burning in more than one arm or in the legs*
  - *Deteriorating conscious state*
  - *Vomiting*
  - *Severe or increasing headache*
  - *Increasingly restless, agitated, or combative demeanor*
  - *Visible deformity of the skull*
  - *Other concerning symptoms*
    - *If a pupil is experiencing any of these symptoms, they may not return to school without being seen by a healthcare provider*
- *If a pupil has sustained or is suspected of having sustained a head injury while participating in an activity or event while school is in session*
  - *If the event occurs at school, the pupil must be immediately removed from the activity or event;*
    - *An evidenced-based screening tool shall be utilized to evaluate if the student needs further assessment by a licensed healthcare provider.*
    - *Schools may require a healthcare provider to authorize a pupil to return to school.*
  - *Every school will identify a progression pathway for students to return to learning after sustaining a head injury that may involve accommodations to a pupil's course work. This pathway must be completed prior to the pupil returning to interscholastic activities, physical education class or physical activities. The return to learning pathway is applicable to pupils who have sustained a head injury both during school hours and outside of school time.*
- *If a pupil has sustained or is suspected of having sustained a head injury while participating in an interscholastic activity or event, the pupil must be immediately removed from the activity or event;*

- *The pupil may return to the activity or event if the parent or legal guardian of the pupil provides a signed statement from a healthcare provider, acting within their scope of practice, medically clearing the pupil for participation in the activity or event and attending school per the NIAA protocol.*
- *Each employee of a public school who supports the academics or health of a pupil who has sustained or is suspected of having sustained a head injury must annually complete a training on the prevention and treatment of head injuries, which must include a review of the educational information compiled pursuant to subsection 3 of NRS 385B.080. Each public school shall maintain a record of the training required and be able to provide such a record upon request.*
- *Be reviewed every five years and updated, as necessary, to reflect current best practices in the prevention and treatment of head injuries.*