

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



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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 **Thursday, July 17, 2025** via [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference 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:

10:06 AM Workshop to Solicit Comments on Proposed Amendments to NAC 388.435 – To Update and Clarify the Eligibility Requirements for a Pupil who is Gifted and Talented

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meetings Material Page](#), by contacting the Nevada Department of Education, via email at NVBoardED@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference 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 or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference 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 Wednesday July 16, 2025.

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.

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

LCB FILE NO. R023-25I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/12/2025**

Proposed Amendments to NAC 388.435

NAC 388.435 must be amended because the regulation currently requires that assessments be individually administered, which creates undue hardship on districts who may not have the resources to administer assessments individually and restricts districts who choose to evaluate all students as a means to eliminate the effect of bias in the referral process. The proposed amendments seek to rectify this issue and to clarify the regulation by eliminating redundancies and using more concise language.

1. Except as otherwise provided in subsection 2, a pupil who is gifted and talented is eligible for special services and programs of instruction if a team, comprised of persons selected by the public agency, concludes that the pupil has:
 - (a) General intellectual ability or academic aptitude in a specific area that is demonstrated by ~~[a score at or above the 98th percentile]:~~
 - (1) *A score at or above the 98th percentile* ~~On a test of cognitive ability [that is individually administered];~~
 - (2) *A score at or above the 98th percentile* ~~in a major content area on a nationally standardized achievement test [that is individually administered in kindergarten through eighth grade]; or~~
 - (3) ~~[In a major content area on a nationally standardized achievement test, the Preliminary Scholastic Aptitude Test (PSAT), the Scholastic Aptitude Test (SAT) or the American College Test (ACT) that is administered to a group of students for grades 9 through 12, inclusive; or]~~
A qualifying score on a state approved rubric that reflects both intellectual ability and academic aptitude.
 - (b) An area of talent, including, but not limited to, creative thinking, productive thinking, leadership, ability in the visual arts or ability in the performing arts, as determined by the local public agency of the pupil.
2. In determining the eligibility of a pupil for the special services and programs of instruction referred to in this section, the team may use alternative assessment procedures for a pupil ~~[from another culture]~~ *who is an English Learner*, a pupil ~~[who is environmentally or economically deprived]~~ *experiencing environmental or economic disadvantage*, or a pupil who has a disability.
~~[3.—A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special services and programs referred to in this section.]~~
~~[4.]~~ 3. The conclusions of the team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the talent, cognitive abilities or academic achievement of the pupil.

~~[5-]~~ 4. Unless the pupil's individualized educational program otherwise provides, a pupil who is gifted and talented must participate in not less than ~~[150]~~ 600 minutes of differentiated educational activities each ~~[week]~~ month during the school year.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: May 28, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC 388.435

I, Steve Canavero, 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 the update and clarification of the eligibility requirements for a pupil who is gifted and talented 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 blue ink signature of Steve Canavero, consisting of stylized initials and a surname.

Steve Canavero, Ph.D.
Superintendent of Public Instruction