

Joe Lombardo
Governor

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



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
STATE BOARD OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

June 15, 2025

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB
File R#023-25

The STATE BOARD will hold a public hearing **at 9:42 AM** on Wednesday, July 30th, 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 hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 388.435 of the Nevada Administrative Code (NAC) pursuant to regarding gifted and talented children.

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

1. The need for and the purpose of the proposed regulation or amendment:

- To alleviate a burden on school districts regarding the administration of assessments and evaluations

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The revised text of the proposed regulation is attached to this notice.

- 3. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation would revise requirements governing the application for authorization to sponsor a charter school to apply to an applicant that is a city or county.
- 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. Method used by the agency in determining the impact on a small business:** Small business is not impacted by this regulation.

6. **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 governmental 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 regulation.
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 [Event - July 30, 2025 Nevada Department of Education Regulation Hearing | Nevada Department of Education \(nv.gov\)](#) 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 may provide in-person testimony, submit written comment to 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, **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 Friday, April 12th. A record of all submitted comments will be retained, and the Department or Board 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 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>, 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 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.

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.

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 Commission on Professional Standards, 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 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.