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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R050-24P by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:07AM** on **Wednesday, November 12, 2025**, 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 development of language in Nevada Administrative Code (NAC) Chapter 389.

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:** NRS 389.0095 states that *"the State Board shall adopt regulations that require each public school to establish and carry out a plan to identify pupils in grades 3-12... for placement in more rigorous courses in mathematics, English language arts, science, and social studies."*
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.
- 6. The 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 government agencies:** No duplicative or overlapping regulations.
- 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
STATE BOARD OF EDUCATION**

LCB File No. R050-24

May 13, 2024

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

AUTHORITY: § 1, NRS 385.080, 389.0095 and 389.021.

A REGULATION relating to education; requiring the board of trustees of each school district and the governing bodies of certain charter schools to establish and carry out a plan to identify pupils for placement in more rigorous courses in certain academic subjects; requiring the board of trustees of a school district and the governing body of a charter school to submit an annual report concerning any academic subjects for which sufficient financial resources were not available to establish a more rigorous course; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) designates mathematics, English language arts, science and social studies as core academic subjects; and (2) requires the State Board of Education to adopt regulations requiring each public school to establish and carry out a plan to identify pupils in grades 3 to 12, inclusive, for placement in more rigorous courses in those subject areas. (NRS 389.0095, 389.018) This regulation requires the board of trustees of each school district and the governing bodies of certain charter schools to establish and carry out a plan to identify pupils enrolled in public schools located within the school district or enrolled in the charter school, as applicable, for placement in more rigorous courses. This regulation requires any such plan to: (1) provide for the identification of pupils using certain examinations and pupil performance data; (2) prescribe procedures to ensure compliance with certain statutory requirements; and (3) with certain exceptions, require that, to the extent practicable, a pupil who is identified for placement in a more rigorous course be placed in that course.

Under existing law, if a pupil is identified for placement in a more rigorous course and such a course is offered at the public school in which the pupil is enrolled, the pupil must be placed in the more rigorous course unless the parent or guardian submits to the principal of the public school in which the pupil is enrolled a written notice of his or her objection to such placement. (NRS 389.0095) This regulation provides that, if the parent or guardian of a pupil who is identified for placement in a more rigorous course submits such an objection, the

principal must arrange a meeting between the parent or guardian, a school counselor and, to the extent practicable, the principal. If, after such a meeting, the attendees mutually agree that placing the pupil in the more rigorous course is not in the best interests of the pupil, this regulation prohibits placing the pupil in the more rigorous course.

Existing law requires the board of trustees of a school district and the governing body of a charter school to establish a more rigorous course in a core academic subject if: (1) there are a sufficient number of pupils identified for placement in the more rigorous course to warrant the establishment of the course; and (2) the school district or charter school has sufficient financial resources to establish the course. (NRS 389.0095) This regulation requires the board of trustees of a school district or the governing body of a charter school to prepare and submit to the Superintendent of Public Instruction an annual report that includes, for each subject area for which the board of trustees or governing body determined sufficient financial resources were not available to establish a more rigorous course, an explanation of the reasons for that determination.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district and the governing body of each charter school that enrolls pupils in grades 3 to 12, inclusive, shall establish and carry out a plan to identify pupils enrolled in public schools located within the school district or enrolled in the charter school, as applicable, for placement in more rigorous courses, including, without limitation, advanced placement courses, international baccalaureate courses, honors courses, dual credit courses and other college preparatory courses in mathematics, English language arts, science and social studies.

2. Each plan established pursuant to subsection 1 must:

(a) Provide for the identification of pupils for placement in more rigorous courses using:

(1) Criterion-referenced examinations administered pursuant to NRS 390.105 or norm-referenced, nationally recognized examinations; and

(2) Pupil performance data, including, without limitation, observations of the performance of pupils, the work product of pupils and any other tangible demonstrations of the performance of pupils;

(b) Prescribe procedures to ensure compliance with subsections 2 and 3 of NRS 389.0095; and

(c) Except as otherwise provided in subsection 3, require that, to the extent practicable, a pupil who is identified for placement in a more rigorous course be placed in the more rigorous course if such a course is available.

3. If the parent or guardian of a pupil who is identified for placement in a more rigorous course submits to the principal of the school in which the pupil is enrolled written notice of his or her objection to such placement pursuant to paragraph (b) of subsection 2 of NRS 389.0095, the principal shall arrange a meeting between the parent or guardian, a school counselor and, to the extent practicable, the principal. If, after such a meeting, the attendees mutually agree that placing the pupil in the more rigorous course is not in the best interests of the pupil, the pupil must not be placed in the more rigorous course.

4. On or before June 1 of each year, the board of trustees of a school district or the governing body of a charter school shall prepare and submit to the Superintendent of Public Instruction a report concerning compliance with the requirements prescribed by subsection 3 of NRS 389.0095 for the immediately preceding school year. The report must include, for each academic subject for which the board of trustees or governing body, as applicable, determined sufficient financial resources were not available to establish a more rigorous course, an explanation of the reasons for that determination.