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STATE OF NEVADA
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May 3, 2024

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 #R071-24.

The DEPARTMENT OF EDUCATION will hold a public hearing **at 11:00 AM** on Friday, May 3rd, 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 hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 385.XXX and of the Nevada Administrative Code (NAC), pursuant to NRS 392.452 and NRS 385B.080.

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 ensure that students are safe when returning to school after sustaining a head injury.

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 - March 29, 2024 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, 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 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, 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 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.

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 shall;

- 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 that prescribes how, when, and under what conditions for pupils, who have sustained or are suspected of having sustained a head injury, shall be permitted and shall be expected to return to learn, regardless of the location where the pupil sustained the injury, or is suspected of sustaining the injury, that includes without limitation the following:*
 - Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will have posted on their maintained Internet website the policy*
 - Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will notify the pupil's parent or legal guardian of the sustained or suspected head injury if the injury occurs during school hours;*
 - The parent or legal guardian of the pupil will be provided with a printed or electronic copy of the policy;*
 - Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will 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;

- *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 an emergency 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*
- *Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will publish and disseminate guidance in cases where 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;*
 - *If the pupil returns to school after being sent home after sustaining or suspected of sustaining a head injury, a screening tool will 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.*
- *Each public school, charter school, and university school for profoundly gifted pupils, as applicable, 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 learn pathway is applicable to pupils who sustained a head injury both during school hours and outside of school time. Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will publish and disseminate guidance in cases where 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 once 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, charter school, or university school for profoundly gifted pupils, as applicable, who supports the academics or health of a pupil who has sustained or is suspected of having sustained a head injury shall ~~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. school district, a charter school, or a university school for profoundly gifted pupils, as applicable, shall maintain a record of the training required and will be able to provide such a record upon request.*
- Shall be reviewed every five years and updated, as necessary, to reflect current best practices in the prevention and treatment of head injuries.*