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**STATE OF NEVADA**  
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June 10, 2024

**Notice of Intent to Act Upon a Regulation**

Notice of Hearing for the Adoption of Regulations of the Nevada State Superintendent of Public Instruction as proposed in LCB File #R071-24.

The SUPERINTENDENT OF PUBLIC INSTRUCTION will hold a public hearing at **2:00 PM** on Wednesday, July 10<sup>th</sup>, 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 regarding returning to learn after sustaining a head injury.

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:**

- The Nevada Department of Education collaborated with the Nevada Interscholastic Activities Association to ensure students are healthy through the creation of this regulation to support schools on the management of head injuries.

**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. 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.

**4. Method used by the agency in determining the impact on a small business:** Small business is not impacted by this regulation.

**5. Estimated cost to the agency for enforcement of the proposed regulation:** no costs.

**6. 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.

7. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
8. **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.
9. **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 10, 2024, Superintendent of Public Instruction Regulation Hearing | Nevada Department of Education \(nv.gov\)](#) 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 may provide in-person testimony, submit written comment to 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, **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 Tuesday, July 9th. 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  
SUPERINTENDENT OF PUBLIC INSTRUCTION**

**LCB File No. R071-24**

May 24, 2024

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

AUTHORITY: §§ 1 and 2, section 6.5 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1362 (NRS 385.215).

A REGULATION relating to public safety; establishing 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 course work; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Superintendent of Public Instruction to adopt regulations prescribing a policy concerning the treatment of injuries to the head that affect the ability of a pupil to engage in his or her course work at school. Existing law requires a public 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. Existing law requires the Superintendent to post the policy on an Internet website maintained by the Department of Education. (Section 6.5 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1362 (NRS 385.215))

This regulation establishes such a policy, which includes, without limitation: (1) requirements for notifying the parent or legal guardian of a pupil, and the public school in which a pupil is enrolled, when the pupil sustains or is suspected of having sustained an injury to the head; (2) a requirement for a public school to use emergency management protocols to assist a pupil who is experiencing certain symptoms in being evaluated by an emergency medical provider; (3) procedures to be followed when a pupil sustains or is suspected of having sustained a head injury during an activity or event conducted or sponsored by a public school; and (4) a requirement to establish a pathway for a pupil who has sustained or is suspected of having sustained a head injury to return to full participation in the pupil’s course work, interscholastic activities and events and other school activities.

**Section 1.** Chapter 385 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. In accordance with section 6.5 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1362 (NRS 385.215), the Superintendent of Public Instruction hereby adopts the following 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 course work at school, including, without limitation, a concussion of the brain:*

*(a) Each public school shall notify the parent or legal guardian of a pupil enrolled at the public school if the pupil has sustained or is suspected of having sustained an injury to the head:*

*(1) On the premises of the public school during school hours; or*

*(2) During an activity or event conducted or sponsored by the public school.*

*↪ The public school shall provide the parent or legal guardian of the pupil with a written or electronic copy of the policy adopted pursuant to this section.*

*(b) The parent or legal guardian of a pupil enrolled in a public school shall notify the public school at which the pupil is enrolled if the pupil has sustained or is suspected of having sustained an injury to the head outside of school. The public school shall provide the parent or legal guardian of the pupil with a written or electronic copy of the policy adopted pursuant to this section.*

*(c) Each public school shall establish and maintain procedures to notify the school nurse, or a person designated to perform similar functions, if a pupil enrolled at the public school has sustained or is suspected of having sustained an injury to the head.*

*(d) Each public school shall follow its emergency management protocols to assist a pupil in being evaluated by an emergency medical provider as soon as reasonably possible if the*

*pupil has sustained or is suspected of having sustained an injury to the head and is experiencing any of the following symptoms:*

- (1) Neck pain or tenderness;*
- (2) Seizure or convulsion;*
- (3) Double vision;*
- (4) Loss of consciousness;*
- (5) Weakness, tingling or burning in the arms or legs;*
- (6) Deteriorating state of consciousness;*
- (7) Vomiting;*
- (8) Severe or increasing headache;*
- (9) Increasing restlessness, agitation or combative demeanor;*
- (10) Visible deformity of the skull; or*
- (11) Any other concerning symptoms.*

*(e) Each public school shall publish and disseminate to the staff of the public school guidance to be followed when a pupil sustains or is suspected of having sustained an injury to the head while participating in an activity or event conducted or sponsored by the public school. If a pupil enrolled in a public school sustains or is suspected of having sustained an injury to the head while participating in an activity or event conducted or sponsored by the public school:*

- (1) The pupil must be immediately removed from the activity or event;*
- (2) The public school shall use a screening tool to evaluate whether a pupil who is returning to school needs further assessment by a provider of health care; and*

*(3) The public school may require that a provider of health care acting within his or her scope of practice authorize the pupil to return to school.*

*(f) Each public school shall establish a pathway for a pupil enrolled in the public school who has sustained or is suspected of having sustained an injury to the head, regardless of whether the injury occurred at school or outside of school, to return to full participation in his or her course work. Such a pathway must include, without limitation:*

*(1) Stages, based on the symptoms of the pupil, through which the pupil must progress before being allowed to return to full participation in his or her course work, interscholastic activities or events or other school activities.*

*(2) Receipt of reasonable accommodations by the pupil in accordance with subsection 2 of section 6.5 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1363 (NRS 385.215).*

*2. As used in this section:*

*(a) "Emergency medical provider" has the meaning ascribed to it in NRS 450B.199, as amended by section 8 of Assembly Bill No. 158, chapter 391, Statutes of Nevada 2023, at page 2287.*

*(b) "Provider of health care" has the meaning ascribed to it in NRS 385B.080, as amended by section 7 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1363.*

**Sec. 2.** This regulation becomes effective on the later of:

1. July 1, 2024; or
2. The date on which this regulation is filed with the Secretary of State pursuant to NRS 233B.070.