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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R110-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10AM 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 revision of language in Nevada Administrative Code (NAC) Chapter 388.

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 388.419 states that *"the State Board shall prescribe minimum standards for the special education of pupils with disabilities and may prescribe minimum standards for the provision of early intervening services"* and NRS 388.519 states that *"the State Board shall...prescribe by regulation criteria for use by school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired, including... children who are both deaf and blind."*
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation prescribes the criteria that an assessment to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of persons involved in the administration or interpretation of such an assessment. These regulations were informed by the Advisory Committee on Language Development for Children who are Deaf, Hard of Hearing, Blind, or Visually Impaired.
- 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:** There is no duplication or overlap of regulations of state and local government agencies.
8. **Whether the regulation is required by federal law:** Related to IDEA provisions.
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.

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

LCB File No. R110-24

July 26, 2024

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

AUTHORITY: § 1, NRS 388.419 and 388.519.

A REGULATION relating to education; prescribing requirements governing assessments of the development of language and literacy skills in certain children with disabilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to prescribe by regulation criteria for school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired. (NRS 388.519) This regulation prescribes: (1) the criteria that such an assessment must satisfy; and (2) the required qualifications of persons involved in the administration or interpretation of such an assessment. This regulation also requires a school employee or a provider of services that administers such an assessment, or the employer thereof, to provide the results of the assessment to the parent or legal guardian of the child who was assessed in a prompt and accessible manner.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto a new section to read as follows:

1. When evaluating the development of language and literacy skills by a child who is less than 6 years of age who is deaf, hard of hearing, blind or visually impaired, a school employee or a provider of services shall use a formal assessment that:

(a) Evaluates the language and literacy strengths and abilities of the child and compare his or her results with the expected skills of children in the relevant age group;

(b) Measures language and literacy skills in accordance with standards designed for the target population of the assessment;

(c) Uses criteria for and methods of evaluation that:

(1) Are culturally sensitive, developmentally appropriate and individualized according to the primary mode of communication of the child and his or her parent or legal guardian; and

(2) Holistically consider the development of language and literacy skills of the child relative to such development of children in his or her community; and

(d) Is selected in consultation with the family of the child.

2. Any person who is responsible for administering or interpreting an assessment pursuant to this section must be trained in the specific assessment and:

(a) If the person is a school employee, hold a license or endorsement that is appropriate for his or her role in administering or interpreting the assessment; or

(b) If the person is an employee of another provider of services, satisfy the requirements for his or her role in administering or interpreting the assessment, as set forth by his or her employer.

3. A school employee or a provider of early intervention services that administers an assessment pursuant to this section, or the employer thereof, shall, upon completion of such an assessment, promptly make the results of the assessment available to the parent or legal guardian of a child who undergoes the assessment. The results of the assessment must be provided in a format that is appropriate for the parent or legal guardian, based upon his or her primary mode of communication.

4. As used in this section:

(a) “Primary mode of communication” means the method by which a person most often communicates. The term may include, without limitation, spoken or written English, visual supplements, American Sign Language or Braille.

(b) “Provider of early intervention services” means a person or entity that provides early intervention services through the Aging and Disability Services Division of the Department of Health and Human Services to:

(1) A child who is less than 3 years of age and has developmental delays or disabilities;
and

(2) The parent or legal guardian of a child described in subparagraph (1).

(c) “Provider of services” includes, without limitation, a provider of early intervention services.