

Joe Lombardo
Governor

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



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

STATE OF NEVADA
NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R196-24 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:05AM** on **Wednesday, November 12, 2025**, available to stream online via [YouTube](https://www.youtube.com) 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:** Senate Bill 460 (2025) made changes regarding assessments for use in assessing the proficiency in reading of pupils enrolled in an elementary school. NRS 385.080 empowers the State Board to develop regulations.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation conforms to changes within SB460 (2025) regarding early literacy assessments.
- 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. R196-24

July 29, 2025

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

AUTHORITY: §§ 1-3, NRS 385.080 and 388.159; § 4, NRS 385.080 and 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395.

A REGULATION relating to education; repealing provisions approving certain assessments for use in assessing the proficiency in reading of pupils enrolled in an elementary school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Board of Education to adopt regulations as necessary for the execution of its powers and duties. (NRS 385.080) Before the enactment of Senate Bill No. 460 (S.B. 460) of the 2025 Legislative Session, existing law required the board of trustees of a school district and the governing body of a charter school to prepare a plan to improve the literacy of pupils enrolled in an elementary school, and, in relevant part, required that the plan include procedures to assess the proficiency of a pupil in reading by using assessments approved by the State Board. (NRS 388.157, as that section existed before July 1, 2025) Existing regulations set forth the assessments approved by the State Board for this purpose. (NAC 388.660)

S.B. 460 removed the requirement that such assessments be approved by the State Board, thereby authorizing the board of trustees of a school district or the governing body of a charter school, as applicable, to include in the plan any valid and reliable standards-based assessment to assess proficiency in reading. Additionally, S.B. 460 authorizes the Department of Education to prescribe the assessment which must be used in a school district or charter school if an assessment was not included in the plan. (NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395)

Section 4 of this regulation repeals the provisions concerning the assessments approved by the State Board. **Sections 1-3** of this regulation make conforming changes to reflect the repeal of the provisions in **section 4**.

Section 1. NAC 388.662 is hereby amended to read as follows:

388.662 A literacy specialist shall complete training or professional development concerning:

1. The standards of content and performance for English language arts for all grades at an elementary school;
2. The current Nevada State Literacy Plan, in the form most recently published by the Department, which may be obtained free of charge on the Internet website maintained by the Department, and the plan prepared by the board of trustees of the school district or the governing body of the charter school where the literacy specialist is employed to improve the literacy of pupils as required by NRS 388.157 ~~§~~, *as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*
3. Evidence-based instructional resources and methods for instruction and intervention in literacy, including, without limitation, the instruction and intervention required by NRS 392.750 to 392.770, inclusive;
4. Methods for screening for and intervention concerning dyslexia and other reading disabilities, including, without limitation, the screening and intervention described in NRS 388.439, 388.441 and 388.443, the minimum standards prescribed by the State Board for the special education of pupils with dyslexia pursuant to NRS 388.419 and the Dyslexia Resource Guide published by the Department pursuant to NRS 388.447;
5. Using the assessments ~~approved by the State Board in NAC 388.660;~~ *administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*
6. Methods for using diagnostic and progress monitoring assessments;
7. Guiding teachers in data analysis and data-based decision making to inform instruction;

8. National standards for coaching teachers in literacy instruction, including, without limitation, methods for effectively delivering and receiving feedback; and

9. Evidence-based instructional resources and methods for instruction and intervention in literacy for pupils who are English learners.

Sec. 2. NAC 388.664 is hereby amended to read as follows:

388.664 A teacher who is employed by a school district or charter school to teach elementary school pupils shall complete professional development provided by a literacy specialist concerning:

1. The standards of content and performance for English language arts for all grades at an elementary school;

2. The current Nevada State Literacy Plan, in the form most recently published by the Department, which may be obtained free of charge on the Internet website maintained by the Department, and the plan prepared by the board of trustees of the school district or the governing body of the charter school where the teacher is employed to improve the literacy of pupils as required by NRS 388.157 ~~HB~~, *as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*

3. Evidence-based instructional resources and methods for instruction and intervention in literacy, including, without limitation, the instruction and intervention required by NRS 392.750 to 392.770, inclusive;

4. Methods for screening for and intervention concerning dyslexia and other reading disabilities, including, without limitation, the screening and intervention described in NRS 388.439, 388.441 and 388.443, the minimum standards prescribed by the State Board for the

special education of pupils with dyslexia pursuant to NRS 388.419 and the Dyslexia Resource Guide published by the Department pursuant to NRS 388.447;

5. Using the assessments ~~[approved by the State Board in NAC 388.660;]~~ *administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*

6. Methods for using diagnostic and progress-monitoring assessments;

7. Application of data analysis and data-based decision-making strategies to inform instruction;

8. Collaborative practices that focus on pupil learning by effectively participating in professional learning or coaching; and

9. Evidence-based instructional resources and methods for instruction and intervention in literacy for pupils who are English learners.

Sec. 3. NAC 388.666 is hereby amended to read as follows:

388.666 A literacy specialist shall:

1. Demonstrate leadership in instruction, intervention, assessment, professional learning and family engagement relating to literacy as outlined in a plan to improve the literacy of pupils as required by NRS 388.157 ~~§~~, *as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*

2. Assist teachers at the school where the literacy specialist is employed by implementing a system of support which includes, without limitation, various methods to provide literacy instruction, intervention services and intensive instruction for pupils who have been identified as deficient in the subject area of reading, including, without limitation, pupils who are reading below grade-level expectations;

3. Support teachers in establishing plans to monitor the growth and increase the proficiency of pupils in reading by regularly assessing the growth of pupils in any area of deficiency in reading, including, without limitation, reading below grade-level expectations;
4. Collaborate with the principal of the elementary school where the literacy specialist is employed to develop a schedule of the professional development prescribed by NAC 388.664 for teachers and assist in providing such professional development;
5. Provide any necessary additional instruction to teachers and administrators concerning the assessments ~~approved in NAC 388.660;~~ *administered pursuant to NRS 388.157, as amended by section 15.6 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395;*
6. Provide instruction and support for the parents and guardians of pupils who have been identified as deficient in the subject area of reading, including, without limitation, pupils who are reading below grade-level expectations; and
7. Assist teachers and administrators in analyzing pupil data and the effectiveness of intervention services and intensive instruction to make strategic and ongoing instructional decisions.

Sec. 4. NAC 388.660 is hereby repealed.

TEXT OF REPEALED SECTION

388.660 Approved assessments for assessing pupil's proficiency in subject area of reading. (NRS 385.080, 388.157) For the 2017-2018 school year and each school year thereafter, the State Board hereby approves the following as assessments for assessing a pupil's proficiency in the subject area of reading:

1. The Brigance Early Childhood Screen III: K & 1 published by Curriculum Associates;
and
2. The Measures of Academic Progress (MAP) assessment published by the Northwest Evaluation Association.