

Joe Lombardo
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STATE OF NEVADA
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Tuesday, January 27, 2026**, 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

1:36 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.540 regarding the identification and assessment of English learners.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](https://www.doe.nv.gov), 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 leading up to and for the duration of the workshop.

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.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.540

The proposed regulation regarding the identification and assessment of English learners is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I, Victor Wakefield, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement is accurate.

Dr. Victor Wakefield
Superintendent of Public Instruction
Nevada Department of Education

NAC 388.540 Proposed Revision:

1. Provide for the initial identification of pupils who are English learners using the standardized statewide entrance and exit procedures for identifying such pupils that are adopted by the Department and approved by the State Board. *Notwithstanding the requirement for approval by the State Board, the Department shall adopt the proficiency levels and cut scores established by the publisher of the assessment.*
2. Provide for the periodic assessment of pupils who are English learners by:
 - (a) Formally evaluating the proficiency in English and academic achievement of pupils who are English learners, including, without limitation, by annually administering the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810 *and applying the proficiency levels or scores recommended by the publisher of the assessment*; and...
 - (b) Informally evaluating the proficiency in English and academic achievement of pupils who are English learners.
3. Provide for the reassessment of a pupil who is identified as an English learner pursuant to standardized statewide procedures for reassessing such pupils that are adopted by the Department and approved by the State Board.