

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 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 **Monday, October 20, 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:06 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX, 388.XXX, and 389.XXX regarding programs of personalized, competency-based education.

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 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: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX, 388.XXX and 389.XXX.

The proposed regulation regarding programs of personalized, competency-based learning 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, Steve Canavero, Interim Superintendent of Public Instruction, 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.

A blue ink signature of Steve Canavero, written in a cursive style.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

NAC 387.XXX Pupil enrolled in a program of personalized competency-based education

- 1. A pupil who is enrolled in a program of personalized competency-based education that has been approved pursuant to NAC 388.XXX shall be deemed enrolled full time:*
 - a. If the student is in kindergarten or in any grade from grades 1 to 6 inclusive, is enrolled in:*
 - i. the minimum daily period required pursuant to NAC 387.131(1) or an approved program for the minimum daily period pursuant to subsection 3 of NAC 387.131; and*
 - ii. a program that demonstrates competency in the state instructional content standards equivalent to the regular school curriculum.*
 - b. If the student is in any grade from grades 7 to 12 inclusive, is enrolled in:*
 - i. The number of courses required for full-time pupils pursuant to NAC 387.345(3); or*
 - ii. A written plan has been prepared in collaboration with the student which demonstrates that the pupil will complete sufficient coursework during the school year toward the number of courses required for full-time pupils in a program that demonstrates competency in the state instructional content standards equivalent to the regular curriculum.*
 - c. Students may be enrolled in courses of distance education, courses of independent study, career and technical programming, dual credit courses, or credits for equivalent experience, without limitation, to meet requirements for full time enrollment.*
- 2. A pupil who is enrolled in a program of personalized competency-based education that has been approved pursuant to NAC 388.XXX shall be deemed to be in full attendance for a day:*
 - a. If the student is in kindergarten or in any grade from grades 1 to 6 inclusive, has attended school for at least 50 percent of the number of minutes required for the daily session of their grade as approved under NAC 387.131*
 - b. If the student is in any grade from 7 to 12 inclusive, has:*
 - i. Attended school for at least 50 percent of the number of minutes required for the daily session of their grade as approved under NAC 387.131; or*
 - ii. Completed hours specified in the written plan prepared in collaboration with the student which demonstrates that the pupil will complete sufficient coursework during the school year toward the number of courses required for full-time pupils in a program that demonstrates competency in the state instructional content standards equivalent to the regular curriculum.*
 - 1. A pupil enrolled in a program of personalized competency-based education utilizing this model of attendance must:*
 - a. Maintain a study log; and*
 - b. Meet or otherwise communicate with a person who is licensed pursuant to chapter 391 of NRS and is authorized by the school district or charter school for the course to discuss the pupil's progress.*

☐ *The information required by this subsection to record the attendance of a pupil must be included in the class record book required by NAC 387.165 and the master register of enrollment and attendance required by NAC 387.171 for that pupil. This record must be available in real time for the school district or charter school through the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171.*
- 3. All pupils enrolled in a program of personalized competency-based education that has been approved pursuant to NAC 389.XXX must be enrolled in the electronic learning management system and the*

master register of enrollment, and reported for average daily enrollment reporting pursuant to NRS 387.1223.

NAC 389.670 Credit granted for performance on examination in lieu of course attendance: ~~Board of trustees required to prescribe application and eligible courses of study~~; effect of pupil's withdrawal from school; authority of State Board to review examination and minimum score required. (NRS 385.080, 385.110, 389.171)

1. The board of trustees of each school district shall prescribe an application for pupils to apply for credit for a specific course of study without having attended the regularly scheduled classes in the course pursuant to [NRS 389.171](#). The application must include, without limitation, the:

- (a) First and last name of the pupil;
- (b) Identifying information for the pupil, including, without limitation, the date of birth, individual identification number, ethnicity and gender of the pupil;
- (c) Grade level of the pupil;
- (d) Home telephone number of the pupil;
- (e) Name and identification number of the school in which the pupil is enrolled;
- (f) Signature of the school counselor at the school in which the pupil is enrolled; and
- (g) Name and number of the course of study for which the application is submitted.

~~2. The board of trustees of each school district shall prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes in the course pursuant to [NRS 389.171](#), including, without limitation, Algebra I, Algebra II, geometry, trigonometry, computer literacy, English I, English II, English III, English IV, principles of science, life science, physical science, health, history of the United States, world history, government of the United States, sociology and world languages. The board of trustees of each school district shall make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to this subsection.~~

3. The board of trustees of each school district shall:

(a) For the purposes of paragraph (a) of subsection 1 of [NRS 389.171](#), establish a committee of teachers and administrators to select an appropriate examination for each course of study ~~prescribed pursuant to subsection 2~~. The examination must be based on the standards of content and performance prescribed for that course and the curriculum for that course adopted by the school district.

(b) For the purposes of paragraph (b) of subsection 1 of [NRS 389.171](#), review and approve the examination developed by the principal and the pupil's teacher who provides instruction in the course for which credit is being sought.

(c) For the purposes of paragraph (c) of subsection 1 of [NRS 389.171](#), review and approve the examination which the principal determines to be as rigorous or more rigorous than the examination selected pursuant to paragraph (a).

(d) Prescribe a minimum score of not less than 70 which a pupil must achieve on an examination approved pursuant to paragraph (a), (b) or (c) of subsection 1 of [NRS 389.171](#) to receive credit without having attended the regularly scheduled classes in the course. The minimum score must be established using objective criteria to ensure that a pupil demonstrates his or her proficiency to meet the objectives of the course.

4. If a pupil who is deficient in a particular area or areas of a course of study wishes to receive credit for the course of study pursuant to paragraph (b) of subsection 1 of [NRS 389.171](#), the pupil must submit the application prescribed by the board of trustees of the school district pursuant to subsection 1:

(a) Except as otherwise provided in paragraph (b), before the beginning of the school year immediately succeeding the school year in which the pupil was enrolled in the course.

(b) Within 1 school year after the end of the course if the application includes evidence of the pupil's completion during that year of not less than 20 hours of remedial study in the area or areas of the course in which the pupil is deficient.

5. A pupil who withdraws from a school during the school year and does not reenroll in the school from which he or she withdrew or who does not enroll in another school in this State before the end of the current semester or trimester, as applicable, is not eligible to receive credit for a course of study pursuant to [NRS 389.171](#).

6. The State Board of Education may review:

- (a) Any examination for which a pupil may receive credit for a course of study without having attended the regularly scheduled classes in the course pursuant to [NRS 389.171](#); and
- (b) The minimum score required on any such examination.

NAC 389.XXX Determining programs

1. *Should a school district or charter school request an education program that upon review, may be qualified as hybrid in nature, the Superintendent of Public Instruction shall review the request and determine the most applicable program for approval.*

For the purposes of this section, hybrid is defined as a program consisting of elements from two or more programs as defined pursuant to NAC 387.120, NAC 387.125, NAC 387.190, NRS 388.537, NAC 389.XXX, NAC 389.710, or NAC 388.830.

NAC 389.XXX “Program of personalized competency-based education” defined. A program of personalized competency-based education refers to an innovative program in effect school-wide, across a grade band, or within a classroom in which students receive credit and/or promote to a higher grade when the pupil demonstrates mastery of a concept or skill pursuant to NAC 389.XXX, in alignment with the portrait of a learner and the academic content standards, regardless of the time, place, or pace at which the pupil progresses.

NAC 389.XXX Application to operate program of personalized competency-based education; approval or denial of application

1. *The board of trustees of a school district or charter school may submit to the Department of Education, in the form prescribed by the Department, a plan to operate a program of personalized competency-based education.*
2. *The Superintendent of Public Instruction shall review each plan to operate a program of personalized competency-based education submitted to the Department of Education and approve or deny the plan.*

NAC 389.XXX Plan to operate a program of personalized competency-based education

1. *School districts and charter schools who wish to operate a program of personalized competency-based education must develop a plan to operate a program at a specific school site in collaboration with:*
 - a. *At least one educator assigned to the school site;*
 - i. *If special education students shall be included in the program, at least one educator must have a special education endorsement;*
 - ii. *If gifted and talented student shall be included in the program, at least one educator must have a gifted and talented endorsement; and*
 - iii. *If early education students shall be included in the program, at least one educator must have an early education endorsement.*
 - b. *At least one administrator assigned to the school site, to include the school principal.*
 - c. *At least one representative from the school’s regional professional development program*
 - d. *At least one specialized instructional support personnel assigned to the school site, to include school counselors, school social workers, or school psychologists*
 - e. *A least one representative with subject matter expertise in providing services to students who are homeless, in foster care, or otherwise at-risk*

- f. At least one parent and one community member, neither of which may be an employee of the school district; as applicable, a tribal representative should further be included*
- g. If the school includes grades 7-12:
 - i. At least one student representative*
 - ii. At least one postsecondary representative to support college and career-ready students**
- 2. A plan to operate a program of personalized competency-based education must:
 - a. Identify how students may demonstrate mastery of a concept or skill in alignment with the academic content standards for the purposes of advancement, pursuant to (e) of this section.*
 - b. Identify how students will be collaborated with to develop a plan for their progress toward competencies and completion of courses, their use of instructional time, and their measures of progress.*
 - c. Identify a plan for the professional development of all school personnel supporting personalized competency-based education programs.*
 - d. Identify the use of instructional time and course schedules for each grade.*
 - e. Identify the use of assessments, project-based learning, standards-based portfolios, and other modalities for the purposes of advancing or retaining a student in a course or grade.*
 - f. Identify how special education students, English learners, students who have been identified as at-risk of not graduating or dropping out of school, and students identified as gifted and talented, shall be supported and integrated into competency-based learning at the school site.*
 - g. Identify how social-emotional learning content standards will be integrated into school curriculum*
 - h. Identify how students will be assessed at the beginning of each school year for the purposes of placement.*
 - i. Identify the opportunities for tier two and tier three targeted interventions and supports for students*
 - j. Identify the primary teaching strategies to be used**

NAC 389.XXX “Standards-based portfolio” defined. A standards-based portfolio consists of artifacts completed by students for the purpose of demonstrating competencies within a single subject in alignment with academic-content standards.

NAC 389.XXX Written plan with pupil for a program of personalized competency-based education

- 1. A pupil, in collaboration with their parent or guardian, as applicable, shall develop a written plan in collaboration with each of their teachers to determine the student’s plan for advancement throughout the school year in a given course, to include:
 - a. Whether the student anticipates specific modules within the curriculum will take them more or less time;*
 - b. Whether the student anticipates remaining or advancing in a given course;*
 - c. The types of artifacts the student would most like to develop;*
 - d. The learning goals and areas of interest for the student; and*
 - e. The learning modalities most supportive to the student’s learning.**

~~— NAC 389.829 Requirements for participation in pilot program; submission and review of applications; selection of schools. (NRS 385.080, 389.210)~~

~~— 1. To participate in the pilot program to provide competency-based education established pursuant to NRS 389.210, a school must meet the qualifications and conditions prescribed in subsection 2 of that section.~~

~~— 2. The board of trustees of a school district or the governing body of a charter school that wishes to participate in the pilot program to provide competency-based education must submit an application to the Department on a~~

~~form that has been prescribed by the Department and made available on the Internet website maintained by the Department.~~

~~—3. The Department shall review each application submitted pursuant to subsection 2 and select the schools to participate in the pilot program to provide competency-based education.~~

~~—(Added to NAC by Bd. of Education by R101-17, eff. 6-26-2018)~~

DRAFT