

**NEVADA DEPARTMENT OF EDUCATION
REGULATIONS WORKSHOP AGENDA
JANUARY 27, 2026
1:30 PM**

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual	Virtual	YouTube Livestream

PUBLIC NOTICE

A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please contact Angie Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials](#) page under the meeting date referenced above or by contacting Angie Castellano via email at NVBoardEd@doe.nv.gov. This public 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 Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. CALL TO ORDER

2. PUBLIC COMMENT #1

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. 1:31 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER (For possible action)

The Education Service Center was created by Senate Bill 460 (2025) to manage and provide support programs for local school districts and charter schools. The proposed regulations will define how the Center operates by setting specific requirements for its Board of Directors, establishing the qualifications and hiring process for the Executive Director, setting fiscal oversight rules requiring Board approval for contracts of \$50,000 or more, and ensuring public accountability through a website and annual reports to state leadership regarding the Center's activities and funding.

- Dr. Steve Canavero, Executive Director, Nevada Education Service Center

- 4. 1:32 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388G REGARDING THE ORGANIZATION OF LARGE SCHOOL DISTRICTS** *(For possible action)*
To comply with changes to NRS 388G within Senate Bill 460 (2025), this regulation seeks to remove regulatory language that no longer has a statutory basis as it relates to the organization of large school districts, to include the Clark County School District.
- Lisa Ford, Chief Strategy Officer, Nevada Department of Education
- 5. 1:33 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING CHILDREN PLACED IN RESIDENTIAL TREATMENT FACILITIES** *(For possible action)*
Regulation R131-22 relates to requirements in effect for the placement of children in residential treatment centers for psychiatric care, particularly those in the custody of child welfare services. This regulation defines terminology, establishes provisions regarding student individualized education plans, and actions necessary for treatment centers to be eligible for reimbursement.
- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
 - Candace Bortolin, Program Officer, Office for a Safe and Respectful Learning Environment
- 6. 1:34 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388D REGARDING SCHOLARSHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS** *(For possible action)*
Senate Bill 460 (2025) revised and introduced various accountability provisions related to scholarship-granting organizations and private schools; the proposed regulations create conforming changes to NAC, to include removing duplicated provisions and introducing provisions regarding reporting requirements.
- Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
 - Andrew Morgan, Education Programs Professional, Office for Student and School Supports
- 7. 1:35 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING DEFINITIONS FOR ENGLISH LEARNERS** *(For possible action)*
Responsive to changes in Assembly Bill 335 (2025), this regulation seeks to define specific terms related to English learners for the purposes of state accountability reporting.
- Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
 - Sarah Russell, Education Programs Professional, Office for Student and School Supports
- 8. 1:36 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENT** *(For possible action)*
The English Language Proficiency Assessment, or WIDA exam, regularly updates its cut scores for proficiency assessment; the proposed regulation seeks to conform regulatory authority so that the Department may responsively issue updates for statewide proficiency cut scores in Nevada.
- Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
 - Sarah Russell, Education Programs Professional, Office for Student and School Supports
- 9. 1:37 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE** *(For possible action)*
The proposed regulation makes conforming changes to the uniform grading scale responsive to dual credit courses and removes outdated references to the 2014-15 school year.
- Andrew Snyder, Education Programs Professional, Office of Teaching and Learning
- 10. 1:38 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING STUDENTS WITH EXCEPTIONAL NEEDS** *(For possible action)*
The proposed regulation removes language that no longer has a statutory basis per SB508 (2015), and revises language regarding the reimbursement of certain services required for students with exceptional needs.
- Julie Bowers, Director, Office of Comprehensive Student Supports

11. PUBLIC COMMENT #2

Public comment will be taken during this agenda item on any matter within the jurisdiction, control, or advisory power of the Department. No action may be taken on a matter raised under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes.

12. ADJOURNMENT

Joe Lombardo
Governor

Dr. Victor Wakefield
*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 **Tuesday, January 27, 2026**, 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:

1:31 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391A.XXX regarding the establishment of the Education Service Center.

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
*Superintendent of Public
Instruction*



Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391A.XXX

The proposed regulation regarding the establishment of the Education Service Center 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

**PROPOSED REGULATION OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION**

LCB File No. R084-25

December 9, 2025

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

AUTHORITY: §§ 1-14, Section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460.

A REGULATION relating to education; setting forth certain requirements and preferences for the appointment of the members of the Board of the Education Service Center; imposing certain duties on the Superintendent of Public Instruction relating to appointments to fill vacancies in the membership of the Board; establishing certain provisions governing the appointment of an Executive Director of the Center; setting forth certain preferences which must be given in employing certain employees and hiring independent contractors to carry out the activities of the Center; setting forth certain provisions governing contracts and interlocal agreements for the Center; establishing certain requirements for the maintenance of an Internet website by the Center; requiring the Executive Director to provide an annual written report of the activities of the Center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2025 Legislative Session, the Nevada Legislature passed Senate Bill No. 460, which: (1) created the Education Service Center as an educational service agency to develop, manage and provide services and programs to local educational agencies and, as necessary, to other local governments; (2) set forth certain requirements for the appointment of the members of the Board of the Education Service Center as the Center's governing body; (3) authorized the Board to appoint an Executive Director; (4) set forth certain duties and powers of the Center, Board and Executive Director; and (5) authorized the Superintendent of Public Instruction to adopt regulations to prescribe operational aspects of the Education Service Center, including, without limitation, qualifications for the Board and employees of the Center and procedures for contracting. (Section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460)

Sections 2-6 of this regulation define certain words and terms for the purposes of provisions relating to the Education Service Center.

Section 7 of this regulation sets forth certain requirements and preferences which must be given in the appointment of the members to the Board.

Section 8 of this regulation requires the Superintendent of Public Education to prepare a list of not fewer than two persons who meet the qualifications for a vacant position on the Board

and to submit the list to the person authorized to make the appointment or the State Board, as applicable, whenever there is a vacancy in the membership of the Board.

Section 9 of this regulation: (1) provides that the Board may establish its own process and procedure for appointing the Executive Director; and (2) sets forth the qualifications for a person to be eligible to be appointed to the position of Executive Director.

Section 10 of this regulation sets forth certain preferences which must be given by the Executive Director in employing any employees or hiring any independent contractors which are necessary to carry out the duties of the Center.

Section 11 of this regulation authorizes the Executive Director to enter into contracts to conduct research or evaluations and provide other services in the performance of the activities of the Center. **Section 11** also requires that the Center comply with all provisions of the Nevada Revised Statutes and Nevada Administrative Code governing the purchasing of goods and services and the issuance of contracts, except for certain contracts for the hiring of professionals as independent contractors. (Chapters 333 of NRS and NAC) Finally, **section 11** requires: (1) that certain contracts, the value of which, singularly or in the aggregate, are equal to or exceed \$50,000 during a single fiscal year be approved by the Board before being executed by the Executive Director; and (2) the Executive Director to annually provide the Board with a list of all contracts which have a value of less than \$50,000.

Section 12 of this regulation authorizes the Executive Director to enter into interlocal agreements with certain entities for the operation and support of the Center.

Section 13 of this regulation: (1) requires the Center to maintain an Internet website available to the public; and (2) specifies certain information which must be included on the website.

Section 14 of this regulation requires the Executive Director to provide an annual written report of the activities of the Center to the Governor, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmittal to the leadership of the Legislature.

Section 1. Chapter 391A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Board” means the Board of the Center.*

Sec. 4. *“Center” means the Education Service Center.*

Sec. 5. *“Executive Director” means the Executive Director of the Center.*

Sec. 6. *“Superintendent” means the Superintendent of Public Instruction.*

Sec. 7. 1. In appointing two members of the Board pursuant to paragraph (a) of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, the Governor shall give preference to:

(a) One person who represents higher education; and

(b) One person who has a background in public administration and finance.

2. In appointing members of the Board pursuant to paragraphs (b) to (e), inclusive, of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the Assembly and the Minority Leader of the Assembly, respectively, shall give preference to persons as described herein to ensure, to the extent possible, that the Board is composed of:

(a) One person who has administrative experience in a school district in this State, including, without limitation, a trustee of a local school district, a superintendent of a school district or another person who has senior administrative responsibilities at the district level of a school district;

(b) One person who serves or has served as a principal of a school in a school district or a charter school which has attained the highest or second highest rating of performance in accordance with the statewide system of accountability for public schools as it pertains to school districts and charter schools in this State pursuant to sections 6.2 to 6.6, inclusive, of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3354-3360, and was serving as the principal of the school in the school district or charter school, as applicable, at the time the school in the school district or charter school attained the rating;

(c) One person who is a member of the governing body of a regional training program created by NRS 391A.120; and

(d) One teacher who actively teaches in a school district or at a charter school which has attained the highest or second highest rating of performance in accordance with the statewide system of accountability for public schools as it pertains to school districts and charter schools in this State pursuant to sections 6.2 to 6.6, inclusive, of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3354-3360, and was teaching in the school district or at the charter school, as applicable, at the time the school district or charter school attained the rating.

3. In all appointments made pursuant to this section and subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, attention must be given to the representation of:

- (a) Large and small school districts;*
- (b) Charter schools; and*
- (c) The geographic distribution of school districts in this State.*

4. The member of the Board who is appointed by the State Board pursuant to paragraph (f) of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, must be a member of the State Board elected pursuant to paragraph (a) of subsection 1 of NRS 385.021.

Sec. 8. *If a vacancy occurs in the membership of the Board, the Superintendent will:*

- 1. Prepare a list of not fewer than two persons who meet the qualifications for the vacant position as set forth in section 7 of this regulation; and*
- 2. Submit the list prepared pursuant to subsection 1 to the person who is authorized to make the appointment or the State Board, as applicable, pursuant to subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460.*

Sec. 9. 1. The Board may establish its own process and procedure for appointing the Executive Director.

2. To be eligible to be appointed to the position of Executive Director, a person must:

(a) Have attained the age of 21 years at the time of his or her appointment;

(b) Possess the knowledge and ability to oversee the activities of the Center, as set forth in subsection 8 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460;

(c) Have demonstrated experience administering large public agencies, programs or systems; and

(d) Have demonstrated experience with establishing or administering programs to improve the performance of schools.

Sec. 10. Within the limits of available funds, the Executive Director may employ such employees and hire such independent contractors as deemed necessary to carry out the duties of the Center, with a preference for experience:

1. In system governance, public administration or finance;

2. Identifying and evaluating evidence-based educational practices; and

3. As an administrator, principal or teacher in an elementary or secondary school.

Sec. 11. 1. The Executive Director may enter into contracts with a business licensed in this State or with other persons to conduct research or evaluations and provide other services in the performance of the activities of the Center.

2. Except as otherwise provided in subsection 3, the Center shall comply with all provisions of chapters 333 of NRS and NAC for the purchasing of goods and services and the issuance of contracts.

3. The Executive Director shall collaborate with the Administrator of the Purchasing Division of the Department of Administration to ensure that professionals which the Center hires as independent contractors are contracted expeditiously and without competitive selection as authorized by subsection 2 of NAC 333.150.

4. Any contracts the value of which, singularly or in the aggregate, are equal to or exceed \$50,000 during a single fiscal year must be approved by the Board before being executed by the Executive Director.

5. The Executive Director shall annually provide to the Board a list of all contracts which have a value less than \$50,000.

Sec. 12. *The Executive Director may enter into interlocal agreements for the operation and support of the Center with:*

- 1. The Department;*
- 2. The Nevada System of Higher Education; and*
- 3. Any governmental agency, including, without limitation:*
 - (a) A school district;*
 - (b) The governing body of a charter school; and*
 - (c) A regional training program created by NRS 391A.120.*

Sec. 13. *The Center shall maintain an Internet website available to the public which includes, without limitation:*

- 1. All requests received from school districts for the services of the Center;*
- 2. An annual summary of services provided by the Center, disaggregated by each school district and each sponsor of a charter school, as applicable;*

3. The resumes and qualification of persons employed by or contracted with the Center;
and

4. The sources of all funding of the Center.

Sec. 14. *The Executive Director shall annually, not later than June 30 of each year, provide a written report of the activities of the Center to:*

1. The Governor;

2. The Superintendent; and

3. The Director of the Legislative Counsel Bureau for transmittal to:

(a) The Majority Leader of the Senate;

(b) The Minority Leader of the Senate;

(c) The Speaker of the Assembly; and

(d) The Minority Leader of the Assembly.

Joe Lombardo
Governor

Dr. Victor Wakefield
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 **Tuesday, January 27, 2026**, 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:

1:32 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388G.010-140 and 388G.XXX regarding the organization of large school districts.

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
*Superintendent of Public
Instruction*



Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388G.010-140 and 388G.XXX

The proposed regulation regarding the organization of large school districts 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

Overview of NAC 388G Amendments for Board Consideration

ORGANIZATION OF LARGE SCHOOL DISTRICT

NAC 388G.100 Establishment of dispute resolution process to address issues relating to member of organizational team; requirements for process; submission of dispute to Department. ([NRS 388G.590](#))

1. The board of trustees of a large school district shall establish a dispute resolution process for issues relating to retaliation and reprisal as a result of the performance of duties as a member of an organizational team for a local school precinct established pursuant to [NRS 388G.700](#).

2. A dispute resolution process established pursuant to subsection 1 must include a requirement that:

(a) A large school district must respond within 5 business days after the date on which a request for dispute resolution is received by the school district. Such a response must be made in writing on a form prescribed by the board of trustees of the school district.

(b) All disputes must be resolved within 15 business days after the date on which a request for dispute resolution is received by the school district.

(c) Within 30 business days after the date on which a request for dispute resolution is received by the school district, the school district shall:

(1) Prepare a report regarding the dispute resolution and provide the report to the parties involved in the dispute resolution.

(2) Post the report prepared pursuant to subparagraph (1) on the Internet website maintained by the school district. The school district shall redact from such a report any information that could be used to identify the parties involved in the dispute resolution.

3. A party involved in a dispute may, within 10 business days after the date on which the person receives a report pursuant to subparagraph (1) of paragraph (c) of subsection 2, file with the Department a request that the Department resolve the dispute. Such a request must include a:

(a) Letter that states the reason the party is dissatisfied with the outcome of the dispute resolution by the school district and requests the Department to resolve the dispute;

(b) Copy of the report provided pursuant to subparagraph (1) of paragraph (c) of subsection 2; and

(c) Signed declaration that waives any applicable right of the person to the confidentiality of information concerning the dispute.

4. Within 10 business days after the date on which the Department receives a request to resolve a dispute pursuant to subsection 3, the Department shall:

(a) Determine whether resolution by the Department is warranted. The Department shall determine that such resolution is warranted if it determines, based on the information provided in

the request made pursuant to subsection 3, there is reason to believe that the decision of the school district was erroneous.

(b) Notify the school district and the person who made the request of its decision.

5. If the Department determines that resolution by the Department is warranted pursuant to paragraph (a) of subsection 4, the Department shall provide the names of approved hearing officers to the parties involved in the dispute and invite each party to indicate to the Department a preference regarding which hearing officer the party would like to be selected.

6. The Department shall, within 5 business days after the last day on which a party indicates its preference regarding a hearing officer pursuant to subsection 5, arrange for a 3-hour dispute resolution session before:

(a) The hearing officer for whom the school district expressed a preference;

(b) The hearing officer for whom the other person involved in the dispute expressed a preference, if such an officer is different from the person for whom the school district expressed a preference; and

(c) A hearing officer selected by the Department.

7. The Department shall, within 10 business days after the date on which a dispute resolution session is held pursuant to subsection 6, compile a report regarding the dispute resolution and provide a copy of that report to the parties involved in the dispute.

8. If the Superintendent of Public Instruction finds that a school district has failed to comply with the requirements of this section, the Superintendent of Public Instruction may request the board of trustees of the school district to submit to the Superintendent of Public Instruction a plan of corrective action pursuant to [NRS 385.175](#). Such a request and any response to such a request by the school district must be made available to members of the public upon request.

(Added to NAC by Bd. of Education by R036-18, eff. 12-19-2018)

~~—NAC 388G.110—Service level agreements: When required; required provisions. (NRS 388G.590)~~

~~—1.—If authority to carry out a responsibility is transferred from a large school district to a local school precinct pursuant to NRS 388G.610, and the local school precinct wishes to have the large school district carry out the responsibility, the large school district must enter into a service level agreement with the principal of the local school precinct.~~

~~—2.—A service level agreement entered into pursuant to this section must describe, without limitation:~~

~~—(a)—The purpose of the responsibility to be carried out by the large school district;~~

~~—(b)—Any laws, policies or regulations applicable to the manner in which the responsibility is carried out;~~

~~—(c)—The roles and responsibilities remaining with the local school precinct or the principal with respect to the responsibility;~~

~~—(d) A description of the scope of the responsibility which the large school district will carry out and the manner in which the quality of any services provided will be measured; and~~

~~—(e) A description of any actions that a local school precinct may take if it is not satisfied with the manner in which the large school district carries out the responsibility pursuant to the agreement.~~

~~—3.—A service level agreement entered into pursuant to this section must include the amount of money which the local school precinct agrees to pay the large school district to carry out the responsibility described in the agreement.~~

~~—(Added to NAC by Bd. of Education by R036-18, eff. 12-19-2018)~~

~~—NAC 388G.120—Service level agreements: Annual determination of services to be offered by large school district; establishment of draft agreements; publication of draft agreements. (NRS 388G.590)~~

~~—1.—Each school year, a large school district shall determine which responsibilities it will offer to provide for a local school precinct for the next school year and establish a draft service level agreement for the provision of that responsibility. The large school district shall provide each draft service level agreement to each school associate superintendent.~~

~~—2.—Upon receipt of the draft service level agreements pursuant to subsection 1, a school associate superintendent must meet with the principal of each local school precinct for which he or she is responsible to review and solicit comments on the standard draft service level agreement.~~

~~—3.—The school associate superintendent shall compile a report of the comments received from principals and provide that report to the superintendent of the large school district. The superintendent of the large school district shall finalize each draft service level agreement for the next school year after receiving and considering such reports.~~

~~—4.—On or before January 15 of each year, the superintendent of a large school district shall publish and make available to the principals of local school precincts each draft service level agreement for responsibilities for which the large school district is willing to enter into a service level agreement to carry out for local school precincts for the next school year.~~

~~—(Added to NAC by Bd. of Education by R036-18, eff. 12-19-2018)~~

~~—NAC 388G.130—Service level agreements: Negotiation of specific terms; inclusion of assignment of central staff deemed to satisfy certain requirements; prohibited provisions. (NRS 388G.590)~~

~~—1.—The principal of a local school precinct that wishes to enter into a service level agreement with the large school district may use a draft service level agreement created pursuant to NAC 388G.120 to negotiate the specific terms of the service level agreement.~~

~~—2.—If a service level agreement includes assignment of staff from central services, the service level agreement shall be deemed to satisfy the requirements set forth in subsection 6 of NRS 388G.610.~~

~~—3.— A service level agreement must not provide:~~

~~—(a) Central services with supervisory authority over the principal of the local school precinct or any member of the staff who works under the direct supervision of the principal; or~~

~~—(b) The principal of a local school precinct or any member of the staff who works under the direct supervision of the principal with supervisory authority over a member of the staff of central services.~~

~~—(Added to NAC by Bd. of Education by R036-18, eff. 12-19-2018)~~

~~**—NAC 388G.140 Use of certain money allocated to local school precinct; conditions under which money deemed allocated to local school precinct. (NRS 388G.590)**~~

~~—1.— The principal of a local school precinct may, in accordance with a plan of operation developed pursuant to NRS 388G.700, determine the manner in which to use money allocated to the local school precinct pursuant to NRS 388G.660, including, without limitation, whether to use the money allocated to carry out a responsibility for which the local school precinct has been transferred authority or use the money allocated in another way.~~

~~—2.— Money shall be deemed allocated to a local school precinct pursuant to NRS 388G.660 only when the money is included in the portion of the budget for the local school precinct over which the local school precinct has control and discretion with respect to the manner in which the money is used.~~

~~—(Added to NAC by Bd. of Education by R036-18, eff. 12-19-2018)~~

**APPROVED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R064-22

Filed September 28, 2022

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

AUTHORITY: § 1, NRS 388G.590 and 388G.610.

A REGULATION relating to education; interpreting the term “other staff who work under the direct supervision of the principal” for the purpose of provisions relating to the organization of large school districts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations relating to the formation of local school precincts. (NRS 388G.590) Existing law authorizes each local school precinct to select for the local school precinct the: (1) teachers; (2) administrators other than the principal; and (3) other staff who work under the direct supervision of the principal. (NRS 388G.600, 388G.610) This regulation outlines who the State Board interprets as other staff who work under the direct supervision of the principal.

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

~~*The State Board interprets “other staff who work under the direct supervision of the principal,” as used in NRS 388G.610, to mean any employee who is:*~~

- ~~*1. Assigned to the local school precinct;*~~
- ~~*2. Evaluated by the principal or a designee of the principal; and*~~
- ~~*3. Not a member of central services.*~~

**APPROVED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R063-22

Filed September 28, 2022

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

AUTHORITY: §§ 1-4, NRS 388G.590.

A REGULATION relating to education; requiring a large school district to provide annual training on certain topics; requiring a large school district and a local school precinct to develop and follow certain procedures relating to the selection of teachers; revising provisions relating to the dispute resolution process of a large school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the reorganization of any school district which has more than 100,000 pupils enrolled in its public schools. (NRS 388G.500-388G.810) Existing law requires the State Board of Education to adopt such regulations as it deems necessary and appropriate to carry out the provisions relating to the reorganization of large school districts. (NRS 388G.590)

Section 2 of this regulation requires a large school district to provide annual, mandatory training to certain parties on existing law and regulations relating to the reorganization of such a district. **Section 2** requires that such training be approved by the Superintendent of Public Instruction or his or her designee and that any training materials be made available on the Internet website of the large school district.

Existing law designates each school within a large school district as a local school precinct. (NRS 388G.600) Existing law requires the superintendent of schools of a large school district to transfer to each local school precinct the authority to carry out certain responsibilities, including the authority to select teachers for the precinct, to direct supervision of precinct staff and to take certain necessary disciplinary actions. (NRS 388G.610)

Section 3 of this regulation establishes when a teacher is considered to be “in good standing” for the purposes of selection for a local school precinct. A teacher is in good standing if he or she holds a valid license, has received a certain performance rating under the statewide performance evaluation system established by the Board, has no active discipline in his or her personnel file, has had fewer than 10 absences for reasons other than documented medical reasons during the last school year and is not prohibited by law from being so employed.

Section 3 requires a large school district to provide each principal of a local school precinct access to the electronic human resources system of the school district which allows each principal seeking to fill a vacant position to create and view a list of all licensed teachers who are employed by the school district and eligible to fill the vacant position. The list must include,

without limitation, the contact information of each teacher and a designation of whether each teacher is in good standing.

Section 3 establishes when a teacher is considered to be a “substitute teacher” for the purposes of that section. A teacher is considered a substitute teacher if he or she: (1) holds an endorsement as a substitute teacher in early childhood education through grade 12 on a special license or a provisional special license issued after he or she completes at least 60 semester hours of credit from an accredited college or university or possesses an associate’s degree or higher degree from an accredited college or university; and (2) does not hold any additional valid license to teach elementary or secondary education, pupils in a program of early childhood education, special education or middle school or junior high school education.

Section 3 requires the principal of a local school precinct to select teachers who meet the needs of the precinct according to its plan of operation and pursuant to existing law and authorizes a principal to select for the precinct: (1) teachers who are not in good standing if the principal determines the selection is necessary to carry out the plan of operation for the local school precinct; and (2) substitute teachers for the precinct only if the principal determines the selection is necessary to carry out the plan of operation for the local school precinct, complies with all provisions of the plan of operation relating to staffing, does not engage in discrimination when making the selection and complies with certain procedures established by the large school district.

Section 3 requires a large school district to establish procedures for the selection of a substitute teacher by the principal of a local school precinct. Such procedures must include, without limitation, requirements that each principal: (1) demonstrate and retain records documenting that the principal has selected teachers in good standing to the greatest extent possible; (2) demonstrate and retain records documenting all reasons, pursuant to the plan of operation for the local school precinct, that a teacher in good standing was not selected, if such a teacher was available, excluding financial savings as a reason; (3) actively monitor each substitute teacher who has been selected to fill a vacancy at the precinct; and (4) ensure that a person holding a special license as an emergency substitute teacher fills a vacancy only if a licensed teacher or substitute teacher is not available.

Section 3 permits a large school district to place a teacher in good standing at a local school precinct in a position which is vacant or for which a substitute teacher was selected only if the principal of the precinct fails to demonstrate that teachers in good standing have been selected at the precinct to the greatest extent possible.

Section 3 requires a large school district to provide a biannual report to the Board which includes, for each vacancy at a local precinct for which a substitute teacher was selected: (1) the number of teachers in good standing and not in good standing who were available to be selected; (2) the number of teachers in good standing and not in good standing who were interviewed; (3) all reasons that a teacher in good standing was not selected for the vacancy; and (4) all justifications used for selecting a substitute teacher for the vacancy.

Existing law requires the principal of each local school precinct to establish an organizational team which, among other duties, provides assistance and advice to the principal regarding the plan of operation for the precinct. (NRS 388G.700, 388G.720, 388G.740) Existing regulations require the board of trustees of a large school district to establish a dispute resolution process to address certain issues relating to a member of such an organizational team. (NAC 388G.100) **Section 4** of this regulation requires the board of trustees of a large school district to also establish a dispute resolution process for any other disputes arising out of existing law and

regulations governing reorganization. **Section 4** also requires a large school district to bear the actual cost of the dispute resolution process, including, without limitation, the expense of and compensation for hearing officers and any other financial burden related to consequences imposed for noncompliance with existing law and regulations.

Section 1. Chapter 388G of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A large school district shall, at least annually, provide mandatory training on the provisions of this section, NRS 388G.500 to 388G.810, inclusive, NAC 388G.100 to 388G.140, inclusive, and section 3 of this regulation to:*

- (a) All voting members of the board of trustees of the large school district;*
- (b) The superintendent of schools of the large school district;*
- (c) All members of the cabinet of the superintendent of schools, if any;*
- (d) All supervisors of a principal;*
- (e) All principals employed by the large school district; and*
- (f) Any person who is a member of an organizational team of a local school precinct within the large school district.*

2. The training provided pursuant to subsection 1 must be approved by the Superintendent of Public Instruction or his or her designee before delivery. Upon such approval, any training materials must be made available on the Internet website of the large school district.

~~**Sec. 3. 1.** *The principal of a local school precinct:*~~

~~*(a) Shall select teachers for the local school precinct pursuant to subsection 2 of NRS 388G.610 who, as determined by the principal, meet the needs of the local school precinct pursuant to the plan of operation for the local school precinct.*~~

~~(b) May select teachers for the local school precinct who are not in good standing if the principal determines that the selection of such a teacher is necessary to carry out the plan of operation for the local school precinct.~~

~~(c) May select substitute teachers for the local school precinct only if the principal:~~

~~(1) Determines that the selection of such a teacher is necessary to carry out the plan of operation for the local school precinct, including, without limitation, the staffing of the local school precinct as described in the plan of operation;~~

~~(2) Does not engage in discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex in making such a selection; and~~

~~(3) Complies with the procedures established by the large school district pursuant to subsection 3.~~

~~2. A large school district shall provide each principal of a local school precinct access to the current electronic human resources system of the school district which, at a minimum, allows each principal seeking to fill a vacant position to create and view a list of all licensed teachers who are employed by the school district and eligible to fill the vacant position. The list must include, without limitation, the contact information of each teacher and a designation of whether each teacher is in good standing.~~

~~3. A large school district shall establish procedures for the selection of a substitute teacher by the principal of a local school precinct. Such procedures must include, without limitation, requirements that each principal:~~

~~(a) Demonstrate and retain records documenting that the principal has selected teachers in good standing for the local school precinct to the greatest extent possible.~~

~~(b) Demonstrate and retain records documenting all reasons, pursuant to the plan of operation for the local school precinct, that a teacher in good standing was not selected, if such a teacher was available for selection. For the purposes of this paragraph, a principal may not use financial savings as a reason not to select a teacher in good standing.~~

~~(c) Actively monitor each substitute teacher who was selected to fill a vacancy at the local school precinct.~~

~~(d) Ensure that a person holding a special license as an emergency substitute teacher issued pursuant to NAC 391.0896 fills a vacancy in the local school precinct only if a licensed teacher, including a substitute teacher, is not available to fill the vacancy.~~

~~4. If the principal of the local school precinct fails to demonstrate that teachers in good standing have been selected to fill vacancies at the local school precinct to the greatest extent possible, a large school district may place a teacher in good standing in a position which is vacant or for which a substitute teacher was selected at the local school precinct.~~

~~5. A large school district shall provide a report to the Board on or before June 30 and December 30 of each year which includes, without limitation, for the time period since the previous report, for each vacancy at a local school precinct for which a substitute teacher was selected:~~

~~(a) The number of teachers in good standing and not in good standing who were available to be selected for the vacancy;~~

~~(b) The number of teachers in good standing and not in good standing who were interviewed for the vacancy;~~

~~(c) All reasons that a teacher in good standing was not selected for the vacancy; and~~

~~(d) All justifications used for selecting a substitute teacher for the vacancy.~~

~~6.—As used in this section:~~

~~(a) “Active discipline” means a written warning, admonition, suspension or dismissal, including any such action which is subject to a dispute regarding an interpretation, application or alleged violation of any provision of a collective bargaining agreement, which has been made within:~~

~~(1) The 2 years and 1 day immediately preceding the date on which a determination is made as to whether a teacher is in good standing; or~~

~~(2) The 3 years and 1 day immediately preceding the date on which a determination is made as to whether a teacher is in good standing, if another action was made within the 2 years immediately preceding the date of the most recent action.~~

~~(b) “In good standing” means a teacher who:~~

~~(1) Holds a valid license issued pursuant to chapter 391 of NRS;~~

~~(2) Has received an overall performance rating of highly effective or effective under the statewide performance evaluation system established by the Board pursuant to NRS 391.465 for the most recent school year or, if the teacher is a probationary employee, as defined in NRS 391.650, on an initial term of probation, a rating of highly effective, effective or developing;~~

~~(3) Has no active discipline in his or her personnel file;~~

~~(4) Has had fewer than 10 absences for reasons other than documented medical reasons during the last school year; and~~

~~(5) Is not prohibited from employment pursuant to NRS 391.850 to 391.930, inclusive.~~

~~(c) “Substitute teacher” means a person who holds an endorsement as a substitute teacher on a special license or a provisional special license issued pursuant to subsection 2 of NAC~~

~~391.0897, and who does not hold any additional valid license described in paragraph (a) of subsection 1 of NAC 391.0897.~~

Sec. 4. NAC 388G.100 is hereby amended to read as follows:

388G.100 1. The board of trustees of a large school district shall establish a dispute resolution process for issues relating to retaliation and reprisal as a result of the performance of duties as a member of an organizational team for a local school precinct established pursuant to ~~NRS 388G.700 [.] and for any other disputes relating to the provisions of NRS 388G.500 to 388G.810, inclusive, NAC 388G.100 to 388G.140, inclusive, and sections 2 and 3 of this regulation.~~

2. A dispute resolution process established pursuant to subsection 1 must include a requirement that:

(a) A large school district must respond within 5 business days after the date on which a request for dispute resolution is received by the school district. Such a response must be made in writing on a form prescribed by the board of trustees of the school district.

(b) All disputes must be resolved within 15 business days after the date on which a request for dispute resolution is received by the school district.

(c) Within 30 business days after the date on which a request for dispute resolution is received by the school district, the school district shall:

(1) Prepare a report regarding the dispute resolution and provide the report to the parties involved in the dispute resolution.

(2) Post the report prepared pursuant to subparagraph (1) on the Internet website maintained by the school district. The school district shall redact from such a report any information that could be used to identify the parties involved in the dispute resolution.

3. A party involved in a dispute may, within 10 business days after the date on which the person receives a report pursuant to subparagraph (1) of paragraph (c) of subsection 2, file with the Department a request that the Department resolve the dispute. Such a request must include a:

- (a) Letter that states the reason the party is dissatisfied with the outcome of the dispute resolution by the school district and requests the Department to resolve the dispute;
- (b) Copy of the report provided pursuant to subparagraph (1) of paragraph (c) of subsection 2; and
- (c) Signed declaration that waives any applicable right of the person to the confidentiality of information concerning the dispute.

4. Within 10 business days after the date on which the Department receives a request to resolve a dispute pursuant to subsection 3, the Department shall:

(a) Determine whether resolution by the Department is warranted. The Department shall determine that such resolution is warranted if it determines, based on the information provided in the request made pursuant to subsection 3, there is reason to believe that the decision of the school district was erroneous.

(b) Notify the school district and the person who made the request of its decision.

5. If the Department determines that resolution by the Department is warranted pursuant to paragraph (a) of subsection 4, the Department shall provide the names of approved hearing officers to the parties involved in the dispute and invite each party to indicate to the Department a preference regarding which hearing officer the party would like to be selected.

6. The Department shall, within 5 business days after the last day on which a party indicates its preference regarding a hearing officer pursuant to subsection 5, arrange for a 3-hour dispute resolution session before:

- (a) The hearing officer for whom the school district expressed a preference;
- (b) The hearing officer for whom the other person involved in the dispute expressed a preference, if such an officer is different from the person for whom the school district expressed a preference; and
- (c) A hearing officer selected by the Department.

7. The Department shall, within 10 business days after the date on which a dispute resolution session is held pursuant to subsection 6, compile a report regarding the dispute resolution and provide a copy of that report to the parties involved in the dispute.

8. If the Superintendent of Public Instruction finds that a school district has failed to comply with the requirements of this section, the Superintendent of Public Instruction may request the board of trustees of the school district to submit to the Superintendent of Public Instruction a plan of corrective action pursuant to NRS 385.175. Such a request and any response to such a request by the school district must be made available to members of the public upon request.

9. The actual cost of a dispute resolution process pursuant to this section is the sole responsibility of the large school district and includes, without limitation, the expense of and compensation for hearing officers selected pursuant to subsections 5 and 6, and any financial burden related to consequences imposed for noncompliance with the provisions of NRS 388G.500 to 388G.810, inclusive, NAC 388G.100 to 388G.140, inclusive, and sections 2 and 3 of this regulation.

Joe Lombardo
Governor

Dr. Victor Wakefield
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 **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:

1:33 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX regarding children admitted to residential treatment facilities.

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
*Superintendent of Public
Instruction*



Southern Nevada Office
2080 E. Flamingo Road, 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

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.XXX

The proposed regulation regarding the children admitted to residential treatment facilities 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

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

LCB File No. R131-22

October 30, 2025

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

AUTHORITY: §§ 1-8 and 11, NRS 385.080; § 9, NRS 385.080 and 387.1225, as amended by section 4.7 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3208; § 10, NRS 385.080 and 388.419; § 12, NRS 385.080 and 432B.60847.

A REGULATION relating to education; prescribing requirements relating to planning for and monitoring the education of certain children who are admitted to and discharged from a facility which provides residential treatment for mental illness; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) certain licensed health care facilities to request reimbursement from the Department of Education for services provided to a child; and (2) the adoption of regulations to facilitate such requests. (NRS 387.1225, as amended by section 4.7 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3208) If a child in the custody of an agency which provides child welfare services is admitted to a psychiatric hospital, existing law requires the psychiatric hospital, in consultation with the school district in which the child was enrolled or which was providing services to the child when he or she was admitted to the psychiatric hospital, the agency which provides child welfare services and any person responsible for the education of the child, to develop a plan for the continued education of the child while the child remains enrolled in the public or private school or the school district yet is admitted to the psychiatric hospital. (NRS 432B.60847) **Sections 2-8** of this regulation define certain terms relevant to the education of children who are admitted to mental health facilities. **Section 9** of this regulation requires a psychiatric hospital that has requested or intends to request reimbursement from the Department for educational services provided to a child who is in the custody of an agency which provides child welfare services to: (1) begin consulting to develop the plan not later than 3 school days after the admission of the child to the psychiatric hospital; and (2) include certain items in the plan.

Before a child who is in the custody of an agency which provides child welfare services is admitted by a court to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when the child was admitted to perform certain duties, including convening a meeting to consider the appropriateness of the placement. (NRS 432B.60847) **Section 10** of this regulation requires the inclusion of certain persons at such

a meeting regarding a child who is a pupil with a disability and authorizes the inclusion of certain additional persons at such a meeting. **Section 10** requires the persons who attend such a meeting to provide guidance to the agency which provides child welfare services and the court concerning the placement of the child. When providing such guidance, **section 10** requires those persons to consider: (1) certain factors relating to the ability of the facility to provide an appropriate education for the child; and (2) any measures necessary to facilitate the return of the child to that school following discharge from the facility. **Section 11** of this regulation recommends the inclusion of similar persons, the provision of similar guidance and the consideration of similar factors and measures at such a meeting regarding a child who is not a pupil with a disability.

While a child who is in the custody of an agency which provides child welfare services is admitted to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when he or she was admitted to monitor the child's progress. (NRS 432B.60847) To facilitate such monitoring, **section 10** requires such a school or school district to: (1) revise the individualized education program of the child; and (2) be invited to participate in any meetings to review the individualized education program or services plan established for a child who is a pupil with a disability.

If a child who is in the custody of an agency which provides child welfare services is admitted to a facility which provides residential treatment for mental illness, existing law requires the public or private school or school district in which the child was enrolled or which was providing services to the child when the child was admitted to the facility to participate in discharge planning for transitioning the child into a school or any other educational setting. (NRS 432B.60847) **Section 12** of this regulation requires such a school or school district to prepare a discharge plan for the child and provide the discharge plan to certain persons.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 12, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 4. *“Fictive kin” has the meaning ascribed to it in NRS 432B.0657.*

Sec. 5. *“Foster home” has the meaning ascribed to it in NRS 424.014.*

Sec. 6. *“Integrated student support” has the meaning ascribed to it in NRS 388.885.*

Sec. 7. *“Parent” has the meaning ascribed to it in NRS 432B.080.*

Sec. 8. *“Relative” has the meaning ascribed to it in NRS 432B.6213.*

Sec. 9. *A psychiatric hospital that has requested or intends to request reimbursement from the Department pursuant to NRS 387.1225, as amended by section 4.7 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3208, for the cost of providing educational services to a child described in subsection 1 of NRS 432B.60847 must:*

1. Begin the consultation required by subsection 1 of NRS 432B.60847 not later than 3 school days after the child is admitted to the psychiatric hospital; and

2. Include in the plan for the continued education of the child developed pursuant to subsection 1 of NRS 432B.60847:

(a) An assessment of the credits that the child is anticipated to earn during the current semester; and

(b) Steps to ensure that the child receives credit for work that the child completes while admitted to the psychiatric hospital.

Sec. 10. *1. An individualized education program meeting convened pursuant to paragraph (a) of subsection 3 of NRS 432B.60847:*

(a) Must include each member of the individual education program team, as defined in 20 U.S.C. § 1414(d)(1)(B), established for the child, to include school and district representatives; and

(b) May additionally include, to the extent allowed under federal law:

(1) The child;

(2) A parent of the child;

(3) A person who conducts a foster home in which the child was residing immediately before the child was admitted to a facility which provides residential treatment for mental illness;

(4) The caseworker of the agency which provides child welfare services who has been assigned to the child;

(5) The attorney appointed pursuant to NRS 432B.420, as amended by section 30 of Assembly Bill No. 344, chapter 328, Statutes of Nevada 2025, at page 2182, to represent the child;

(6) The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135;

(7) A fictive kin of the child;

(8) A relative of the child; or

(9) Any additional persons invited by the educational decision maker appointed for the child pursuant to NRS 432B.462.

2. The persons described in subsection 1 shall provide guidance to the agency which provides child welfare services and the court concerning the appropriateness of a residential placement under federal law as it relates to the educational needs of the child.

3. When providing guidance pursuant to subsection 2, the persons described in subsection 1 shall consider the ability of the facility which provides residential treatment for mental illness to:

(a) Comply with the individualized education program or services plan established for the child;

(b) Comply with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and any regulations adopted pursuant thereto;

(c) Comply with NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto; and

(d) Provide or ensure access to any integrated student supports that the child needs.

4. At an individualized education program meeting convened pursuant to paragraph (a) of subsection 3 of NRS 432B.60847, the public or private school or school district described in that subsection shall ~~revise the individualized education program to:~~

(a) ~~Facilitate the~~ Monitoring the child's progress while the child is admitted to the facility, as required by paragraph (c) of subsection 3 of NRS 432B.60847 and sections 34 CFR 300.101 and 34 CFR 300.320-324; and discuss the child's educational progress and the facility's compliance with all applicable federal and state laws prescribing the educational rights of the child, to include revising the individualized education program as applicable.

~~(b) Ensure compliance with all applicable federal and state laws prescribing the educational rights of the child.~~

5. When performing the duties required by subsection 3 of NRS 432B.60847, a public or private school and any other persons involved in the performance of those duties shall make all due effort to consider ~~any~~ the measures necessary to facilitate the return and transition of the child to ~~the~~ their school of origin or any other appropriate educational setting upon discharge from the facility which provides residential treatment for mental illness.

6. In monitoring the progress of a child pursuant to paragraph (c) of subsection 3 of NRS 432B.60847, a public or private school or school district described in subsection 3 of NRS 432B.60847 shall monitor:

(a) The progress of the child on the individualized education program or services plan established for the child; and

(b) The credits earned by the child and the number of those credits accepted by the relevant local education agency.

Sec. 11. 1. *In addition to the persons described in paragraph (b) of subsection 3 of NRS 432B.60847, a meeting to consider the appropriateness of the residential placement of a child who is not a pupil with a disability must include the educational decision maker appointed for the child pursuant to NRS 432B.462, as required by that section. The meeting may additionally include, without limitation:*

(a) The child;

(b) A parent of the child;

(c) A person who conducts a foster home in which the child was residing immediately before the child was admitted to a facility which provides residential treatment for mental illness;

(d) The caseworker of the agency which provides child welfare services who has been assigned to the child;

(e) The attorney appointed pursuant to NRS 432B.420, as amended by section 30 of Assembly Bill No. 344, chapter 328, Statutes of Nevada 2025, at page 2182, to represent the child;

(f) The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135;

(g) A fictive kin of the child;

(h) A relative of the child; and

(i) Any additional persons invited by the educational decision maker appointed for the

child pursuant to NRS 432B.462.

2. The persons described in subsection 1 may provide guidance to the agency which provides child welfare services and the court concerning the appropriateness of a residential placement. In doing so, such persons may consider the ability of the facility which provides residential treatment for mental illness to:

(a) Provide for the educational needs of the child, including, without limitation, access to any integrated student supports that the child needs; and

(b) Prevent any violation of the educational rights of the child under federal and state law.

3. When performing the duties required by subsection 3 of NRS 432B.60847 with respect to a child who is not a pupil with a disability, a public or private school and any other persons involved in the performance of those duties may consider any measures necessary to facilitate the return of the child to that school following discharge from the facility which provides residential treatment for mental illness. Such measures may include, without limitation, monitoring:

(a) The progress of the child; and

(b) The credits earned by the child and the number of those credits accepted by the relevant local education agency.

Sec. 12. *Before a child is discharged from a facility which provides residential treatment for mental illness, the public or private school or school district described in subsection 3 of NRS 432B.60847 shall:*

1. Prepare a written discharge plan for the continued education of the child after the child is discharged. The written discharge plan must include, without limitation:

(a) A safety plan, if recommended by the facility or otherwise deemed appropriate by the school or school district;

- (b) *The academic schedule of the child, which must be appropriate for the child based on the ~~clinical~~ educational goals and needs of the child;*
- (c) *If the child is a pupil with a disability, a statement of whether, upon discharge:*
- (1) *The child ~~will~~ may need to be evaluated or reevaluated to determine whether the child is or remains a pupil with a disability; ~~or~~ and*
 - (2) *Recommendations regarding the creation of or revision of an individual education program or other accommodation under Section 504; and*
 - (3) *A plan to support continuity of child find services for the student. ~~The individual education program of the child will be revised;~~*
- ~~(d) If the child is not a pupil with a disability:~~
- ~~(1) A statement of whether the child will may need to be reevaluated to determine whether the child is a pupil with a disability; and~~
 - ~~(2) A plan to evaluate the child for any services for which the child may be eligible;~~
- (e) *Recommendations from the facility regarding academic supports for the child;*
- (f) *If applicable, plans for follow-up meetings with any clinicians who are providing or have provided services to the child;*
- (g) *If applicable, plans for communicating with the school nurse concerning the needs of the child for medication;*
- (h) *Procedures for transferring credit for work completed while the child was admitted to the facility; and*
- (i) *If necessary, a plan for the child to earn credits necessary for graduation that the child was unable to earn while he or she was admitted to the facility.*
2. *Provide a copy of the written discharge plan prepared pursuant to subsection 1 to:*
- (a) *The educational decision maker appointed for the child pursuant to NRS 432B.462;*
 - (b) *The caseworker of the agency which provides child welfare services who has been*

assigned to the child;

DRAFT

(c) The attorney appointed pursuant to NRS 432B.420, as amended by section 30 of Assembly Bill No. 344, chapter 328, Statutes of Nevada 2025, at page 2182, to represent the child; and

(d) The single point of contact designated by the relevant local education agency pursuant to NRS 388E.135.

DRAFT

Joe Lombardo
Governor

Dr. Victor Wakefield
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 **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:

1:34 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388D.010-130 and 388D.XXX regarding the Nevada Educational Choice Scholarship Program.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](https://www.nde.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.

Joe Lombardo
Governor

Dr. Victor Wakefield
*Superintendent of Public
Instruction*



Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388D.010-130 and 388D.XXX.

The proposed regulation regarding the Nevada Educational Choice Scholarship Program 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 388D.040 Information provided quarterly and annually to Department by registered scholarship organization; Department to compile and review information. (NRS 388D.270)

1. Each scholarship organization that is registered with the Department pursuant to [NAC 388D.030](#) shall:

(a) By not later than October 15, January 15, March 15 and June 15 of each year, provide to the Department in a format prescribed by the Department an electronic list of each pupil on behalf of whom the scholarship organization awarded a grant pursuant to [NRS 388D.270](#) for the previous quarter. The electronic list must include:

(1) Demographic information for each pupil, including the name, date of birth, grade level, gender and race or ethnicity of the pupil, whether the pupil has a disability, the household income of the pupil calculated pursuant to [NAC 388D.080](#) and the name and address of the parent or guardian of the pupil;

(2) The amount of each grant provided on behalf of a pupil;

(3) **Whether the pupil received any other scholarships in addition to the grant;**

(4) The manner in which money from each grant has been used, including, without limitation:

(I) The name of each school that has received money from a grant;

(II) The tuition and fees charged by each such school; and

(III) Any portion of such money that has been used to pay for the transportation to and from the school; and

(5) The number of applications for a grant received by the scholarship organization for which a grant was not awarded and the reason that a grant was not awarded in each case.

(b) Annually submit to the Department

(1) the name of the school attended by each pupil on whose behalf a grant is provided during the school year immediately preceding the school year for which the grant is awarded or, if such a pupil was not enrolled in a school, whether the pupil was a homeschooled child, an opt-in child or was not required to attend school pursuant to [NRS 392.040](#) for that school year; and

(2) **The last public school, if any, attended by each pupil on whose behalf a grant is provided.**

2. The Department will annually:

(a) Compile the information submitted by each scholarship organization pursuant to subsection 1; and

(b) Review the information to determine whether to change the priority for awarding grants prescribed by [NAC 388D.080](#) or to recommend legislation to revise the priority for awarding grants to the Legislature.

(Added to NAC by Dep't of Education by R035-15, eff. 10-27-2015; A by R020-18, 8-30-2018) — (Substituted in revision for NAC 385.602)

NAC 388D.060 Notice to Department of Taxation of certain donations received by registered scholarship organization; maximum duration to carry forward donation. (NRS 388D.270)

1. A scholarship organization shall comply with the requirements regarding the notification of the Department of Taxation upon receiving a donation and the maximum duration to carry forward a donation prescribed by the provisions of NRS 388D.270 added by section 31.5 of Senate Bill No. 460.

~~1.—A scholarship organization that is registered with the Department of Education pursuant to [NAC 388D.030](#) shall notify the Department of Taxation in writing not more than 10 days after receiving a donation from a taxpayer pursuant to [NRS 363A.139](#) or [363B.119](#), as applicable, of the amount of the donation.~~

~~2.—Any donation received by a scholarship organization must not be carried forward for more than 5 years after the last day of the calendar year in which the donation is made.~~

(Added to NAC by Dep't of Education by R035-15, eff. 10-27-2015) — (Substituted in revision for NAC 385.603)

NAC 388D.070 Department of Education to maintain directory of scholarship organizations on Internet website, submit quarterly list of scholarship organizations to Department of Taxation and submit annually summary of certain information. (NRS 388D.270) The Department of Education will:

1. Maintain on its Internet website a directory of each scholarship organization that is registered with the Department of Education pursuant to [NAC 388D.030](#) and, by not later than September 30, December 30, March 30 and June 30 of each year, submit to the Department of Taxation a list of each such scholarship organization.

2. By not later than March 30 of each year, submit to the Governor, the State Board and the Director of the Legislative Counsel Bureau a summary of the information reported to the Department by each scholarship organization pursuant to [NRS 388D.280](#).

(Added to NAC by Dep't of Education by R035-15, eff. 10-27-2015) — (Substituted in revision for NAC 385.6035)

3. By September 30 of each year, the Department shall publish an Annual Program Year Report summarizing the immediately preceding school year using submissions required by this chapter. Student and outcome tables shall be presented on a school-year basis. The report may include a reconciliation note describing how calendar-year donations reported pursuant to NRS 388D.280 relate to the school year.

NAC 388D.080 Application to receive grant from registered scholarship organization; responsibilities of organization; order of priority to award grants. ([NRS 388D.270](#))

~~1.—The parent or guardian of a pupil who meets the requirements to receive a grant pursuant to [NRS 388D.270](#) may apply to a scholarship organization registered with the Department pursuant to [NAC 388D.030](#) for such a grant. A scholarship organization may charge each family that applies for a grant on behalf of one or more children of the family an administrative fee of not more than \$25.~~

~~2.—A scholarship organization shall:~~

~~(a) Establish written procedures that the scholarship organization will use to determine whether a pupil meets the requirements to receive a grant pursuant to [NRS 388D.270](#) and to award grants on behalf of qualified pupils.~~

~~(b) Post the procedures established pursuant to paragraph (a) on an Internet website maintained by the scholarship organization and provide a written copy of the procedures with each application form.~~

~~(c) Provide an application form to be completed by an applicant for a grant. A scholarship organization may only award a grant on behalf of a pupil for whom a complete application is~~

~~submitted but is not required to award a grant to a pupil solely because his or her application is complete.~~

~~(d) Verify annually that each pupil on behalf of whom the organization awards a grant is a member of a household that has a household income which is not more than 300 percent of the federally designated level signifying poverty. Such verification must:~~

~~(1) Use the most recent federal poverty guidelines published in the Federal Register by the United States Department of Health and Human Services; and~~

~~(2) Calculate household income based on the information reported in the application submitted on behalf of the pupil and in accordance with the most recent guidance established by the Food and Nutrition Service of the United States Department of Agriculture for determining eligibility of pupils for free and reduced-price meals.~~

~~(e) A scholarship organization shall award grants on behalf of pupils in the following order of priority:~~

~~(a) A grant must be awarded for the current school year on behalf of a pupil for whom a completed application was received on or before the deadline for the submission of such applications by the scholarship organization and on whose behalf a grant was awarded for the immediately preceding school year before a grant is awarded on behalf of any other pupil.~~

~~(b) A grant must be awarded on behalf of a pupil for whom a completed application was received on or before the deadline for the submission of such applications by the scholarship organization and who is the sibling of a pupil on whose behalf a grant has been awarded for the current school year before a grant is awarded on behalf of other pupils.~~

~~(c) A grant must be awarded on behalf of a pupil who is not described in paragraph (a) or (b) in the order in which the completed application is received. If there are an insufficient number of grants available to award a grant on behalf of each pupil for whom a complete application was received on the same day:~~

~~(1) A grant must be awarded on behalf of a pupil who is a member of a household that has a lower household income before a grant is awarded on behalf of a pupil who is a member of a household that has a higher household income;~~

~~(2) If two or more applicants are members of households that have the same household income, a grant must be awarded on behalf of the pupil who is enrolled in a public school that has received a lower rating based on the most recent annual report of the statewide system of accountability for public schools before a grant is awarded on behalf of a pupil who is enrolled in a public school that has received higher ratings; and~~

~~(3) If two or more applicants are members of households that have the same household income and attend public schools that received the same rating based on the most recent annual report of the statewide system of accountability for public schools, grants must be awarded on behalf of pupils in this category on a random basis.~~

(Added to NAC by Dep't of Education by R035-15, eff. 10-27-2015; A by R020-18, 8-30-2018) —

~~(Substituted in revision for NAC 385.6043)~~

1. A scholarship organization shall award grants in the order of priority prescribed by section 31.7 of Senate Bill No. 460, and shall not limit awards to a single school or to specific pupils except as permitted by NRS 388D.270.

NAC 388D.120 Quarterly submission of electronic list of certain information; annual report of aggregate data. (NRS 388D.270)

1. By not later than October 15, January 15, March 15 and June 15 of each year, each school that is registered pursuant to [NAC 388D.100](#) shall submit to the Department electronically a list of each pupil on behalf of whom the school received money from a grant for the previous quarter pursuant to [NRS 388D.270](#). The electronic list must include, for each grant:

(a) Demographic information for each pupil on behalf of whom grant money is received, including the name, date of birth, grade level, gender and race or ethnicity of the pupil and the name and address of the parent or guardian of the pupil;

(b) The name of each scholarship organization that awarded a grant to the school on behalf of a pupil and the amount of each grant; and

(c) The manner in which money from each grant has been used, including, without limitation, any portion of such money that has been used to pay for:

- (1) Tuition and fees charged by the school; and
- (2) Transportation to and from the school.

~~2. The Department will collect the records of academic progress that each school that is registered pursuant to [NAC 388D.100](#) is required to maintain pursuant to [NRS 388D.270](#) and aggregate the information contained in the records. By not later than December 15 of each even-numbered year, the Department will submit a report containing the aggregated information to the Governor, the State Board and the Director of the Legislative Counsel Bureau. The Department will not report information in a manner that discloses personally identifiable information of a pupil.~~

2. Annual Accountability reporting requirements are set forth in NAC 388D.140

(Added to NAC by Dep't of Education by R035-15, eff. 10-27-2015; A by R020-18, 8-30-2018) —
(Substituted in revision for NAC 385.6065)

NAC 388D.XXX Annual Comprehensive Accountability Report (ACAR) Schools; due August 1.

- 1) Each registered private school shall submit, by August 1 of each year, an annual report for each pupil who received funding pursuant to NRS 388D.270 during The immediately preceding school year, including:
 - a) Enrollment and withdrawal categories: total served; total not enrolled at year end; counts of expulsions with reason; voluntary withdrawals with stated reason; post-withdrawal destination (Nevada public school; Nevada private school; homeschooling; truant); and credit-deficient/failing in one or more core subjects;
 - b) Academic progress: grades and progress measures; disciplinary actions (suspensions, expulsions); and when available, a comparison to the prior school year;
 - c) Assessments: results for assessments required by NRS 390.105 or a permitted equivalent, and, for English learners, WIDA pursuant to NRS 390.810;
 - d) Disaggregation and privacy: reporting as applicable by grade, gender, race/ethnicity, disability status, and economic disadvantage in compliance with FERPA;
 - e) Certification: a statement under penalty of perjury signed by the owner, executive head, or chair of the governing body attesting that the submission is complete and accurate.
- 2) Submissions must comply with NAC 388D.155.
(Authority: NRS 388D.270; NRS 390.105; NRS 390.810.)

NAC 388D.XXX Data specifications; submission portal; corrections.

- 1) The Department shall publish file specifications and operate an electronic portal for submissions required under this chapter. Specifications shall include fields for school_year, quarter_code, and, as applicable, calendar_year. SGOs and registered private schools shall adhere to specifications and correct material errors within timelines established by the Department.

NAC 388D.XXX Noncompliance; suspension or disqualification from Opportunity Scholarship funding.

- 1) Upon determining that a registered private school fails to comply with reporting or assessment requirements

under this chapter or statute, the Department may suspend or disqualify the school from receiving Opportunity Scholarship funding for subsequent years, after notice and an opportunity to respond, consistent with applicable due-process requirements. Reinstatement may be requested upon demonstration of compliance.

DRAFT

Joe Lombardo
Governor

Dr. Victor Wakefield
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 **Tuesday, January 27, 2026**, 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:

1:35 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX defining newcomers, short-term English learners, and long-term English learners.

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
*Superintendent of Public
Instruction*



Southern Nevada Office
2080 E. Flamingo Road, 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

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.XXX

The proposed regulation regarding the definition of newcomers, short-term, and long-term 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

Newcomer

Newcomers are English learners who arrived in the U.S. within 12 months of first enrolling in a U.S. school and have been enrolled in U.S. schools for two school years or less. Kindergartners and first graders who arrived in the U.S. within 12 months of first enrolling in a U.S. school and who qualify as English learners are considered newcomers.

For accountability purposes, all students who fit the definition above should be counted as newcomers. For programming purposes, students' WIDA Screener, WIDA Kindergarten Screener, WIDA Alternate Screener, or academic assessment scores can be taken into consideration. For example, a student scoring 3 or higher on the screener may not need the intensive supports of a newcomer program.

Short-term English learner

Short-term English learners are students who qualified as an English learner within the past six years, who have not yet exited English learner status, and who do not fit the description of a Newcomer.

Long-term English learner

Long-term English learners are students who qualified as an English learner six or more years ago and have not yet exited English learner status.

Joe Lombardo
Governor

Dr. Victor Wakefield
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 **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.nvdoe.org), 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.

Joe Lombardo
Governor

Dr. Victor Wakefield
*Superintendent of Public
Instruction*



Southern Nevada Office
2080 E. Flamingo Road, 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

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
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 **Tuesday, January 27, 2026**, 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:

1:37 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.6625
regarding the uniform grading scale.

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
*Superintendent of Public
Instruction*



Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.6625

The proposed regulation regarding the uniform grading scale 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

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

LCB File No. R022-23

August 18, 2023

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

AUTHORITY: §§ 1 and 2, NRS 385.080 and 389.007.

A REGULATION relating to education; revising provisions governing the uniform grading scale for pupils enrolled in high school; prescribing a weighted value for the completion of a dual credit course; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations that provide a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for dual credit courses, international baccalaureate courses, advanced placement courses and honors courses. Existing law requires such regulations to assign the same weight to dual credit courses and international baccalaureate courses as that assigned to advanced placement courses if the dual credit course or international baccalaureate course is in a core academic subject or a subject for which an advanced placement course is offered. (NRS 389.007) Existing regulations prescribe a weighted value of 0.050 for the completion of an advanced placement course or international baccalaureate course with a grade of A, B, C or D, which must be added to the value otherwise provided for that letter grade under the uniform grading scale. (NAC 389.6625) **Section 1** of this regulation prescribes a weighted value of 0.050 for the completion of a dual credit course with a grade of A, B, C or D. **Section 2** of this regulation provides that this weighted value applies to a dual credit course completed during or after the 2022-2023 school year. When determining the value to be assigned to a grade of a pupil who transferred from a high school located outside of this State or from a private high school located in this State to a public high school in this State, **section 1** requires this weighted value to be applied to a dual credit course completed with a grade of A, B, C or D by such a student.

Existing regulations authorize a school district or charter school to apply the uniform grading scale for pupils enrolled in grades 10, 11 and 12 during the 2014-2015 school year or to continue applying the grading scale that was in effect for those pupils before the 2014-2015 school year until the graduation of such pupils. (NAC 389.6625) **Section 1** removes these provisions.

Section 1. NAC 389.6625 is hereby amended to read as follows:

389.6625 1. ~~Except as otherwise provided in subsection 6, the~~ *The* board of trustees of each school district and the governing body of each charter school shall use the following uniform grading scale for pupils enrolled in the school district or charter school in grades 9 to 12, inclusive:

Course Point Range	Grade	Value
90.0-100	A	4.0
80.0-89.99	B	3.0
70.0-79.99	C	2.0
60.0-69.99	D	1.0
Below 60	F	0.0

2. The grading scale prescribed by subsection 1 must be weighted as follows:

(a) For completion of an honors course with a grade of A, B, C or D, a value of 0.025 must be added to the value otherwise prescribed by subsection 1.

(b) For completion of an advanced placement course with a grade of A, B, C or D, a value of 0.050 must be added to the value otherwise prescribed by subsection 1.

(c) For completion of an international baccalaureate course with a grade of A, B, C or D, a value of 0.050 must be added to the value otherwise prescribed by subsection 1.

(d) For completion of a dual credit course with a grade of A, B, C or D, a value of 0.050 must be added to the value otherwise prescribed by subsection 1.

3. The grade point average of a pupil enrolled in grade 9, 10, 11 or 12 must be computed to the third decimal place. A grade point average that:

- (a) Is less than 0.0005 must be rounded down; and
- (b) Is 0.0005 or higher must be rounded up.

4. If a pupil transfers from a high school located outside this State or from a private high school located in this State and enrolls in high school at a school district or charter school in this State, the pupil's transcript must be reviewed and a value must be assigned for each grade earned by the pupil in the other state or at the private high school as follows:

(a) If the pupil's transcript contains a letter grade for a course, that letter grade must be assigned a numerical value in accordance with the grading scale prescribed by subsection 1.

(b) If the pupil's transcript does not contain a letter grade for a course but contains a numerical value for a grade in the course, that numerical value must be assigned in accordance with the grading scale prescribed by subsection 1.

(c) If the pupil's transcript contains a notation that the pupil has completed an honors course, an advanced placement course, ~~for~~ an international baccalaureate course *or a dual credit course* with a grade of A, B, C or D, the weighted value prescribed by subsection 2 must be applied for that course. If the transcript does not contain such a notation, the grading scale prescribed by subsection 1 must be applied for the course.

~~5. The uniform grading scale prescribed by this section applies to pupils who are enrolled in grade 9 beginning with the 2014-2015 school year, until graduation of those pupils, including, without limitation, pupils who repeat grade 9 in the 2014-2015 school year.~~

~~6. For pupils who are enrolled in grades 10, 11 and 12 for the 2014-2015 school year, a school district or charter school may, until graduation of those pupils:~~

~~(a) Apply the uniform grading scale prescribed by this section; or~~

~~—(b) Continue applying the grading scale in effect for those pupils before the 2014-2015 school year.~~

~~—7.†~~ The board of trustees of each school district and the governing body of each charter school may adopt a policy assigning a plus or minus to the grades set forth in subsection 1. The policy must ensure that the value assigned to each grade earned by a pupil complies with the value set forth in the grading scale prescribed by subsection 1 and, if applicable, the weighted value prescribed by subsection 2.

Sec. 2. The amendatory provisions of section 1 of this regulation prescribing a weighted value to the grading scale for the completion of a dual credit course apply to any dual credit course completed during or after the 2022-2023 school year.

Joe Lombardo
Governor

Dr. Victor Wakefield
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 **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:

1:38 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388
regarding services for students with exceptional needs.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](https://www.nde.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.

Joe Lombardo
Governor

Dr. Victor Wakefield
*Superintendent of Public
Instruction*



Southern Nevada Office
2080 E. Flamingo Road, 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

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.XXX

The proposed regulation regarding services for students with exceptional needs 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

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

LCB File No. R009-25

July 23, 2025

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

AUTHORITY: § 1, NRS 385.080.

A REGULATION relating to education; repealing provisions governing programs for persons with disabilities with unique needs; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under the federal Individuals with Disabilities Education Act, state and local agencies that accept federal funding under the Act must make available to persons with disabilities between the ages of 3 to 21, inclusive, a free appropriate public education, which, in certain cases, may require the placement of such a person at a private school or facility if a free appropriate public education cannot be provided by the local educational agency. (20 U.S.C. § 1412(a))

Senate Bill No. 508 of the 2015 Legislative Session repealed various provisions concerning the provision of special education programs and related services to certain persons with disabilities in this State, including, without limitation, provisions which required the Superintendent of Public Instruction to provide such programs and services by, if necessary, arranging for the placement of an eligible person with a disability in an institution, foster home or other residential facility either inside or outside of the school district in which the person resides. (Chapter 536, Statutes of Nevada 2015, at page 3701) Existing regulations set forth certain procedures related to these repealed provisions, including, without limitation, requirements for: (1) evaluating a person with a disability who is considered for placement outside of the school district; (2) applications by school districts to the Superintendent of Public Instruction for approval of such placement; and (3) assessing the progress of a person with a disability who receives such a placement. (NAC 388.460-388.488) This regulation repeals these provisions to conform with the repeal of the related provisions of law effectuated by Senate Bill No. 508.

Section 1. NAC 388.460, 388.462, 388.464, 388.466, 388.468, 388.470, 388.472, 388.474, 388.476, 388.478, 388.480, 388.482, 388.484, 388.486 and 388.488 are hereby repealed.

TEXT OF REPEALED SECTIONS

388.460 Definitions. (NRS 385.080, 388.419) As used in this chapter, unless the context otherwise requires:

1. “Person with a disability” means a person who has:
 - (a) A hearing impairment;
 - (b) A visual impairment;
 - (c) An orthopedic impairment;
 - (d) A health impairment;
 - (e) A speech and language impairment;
 - (f) An intellectual disability;
 - (g) An emotional disturbance;
 - (h) Multiple impairments;
 - (i) Learning disabilities;
 - (j) Traumatic brain injury;
 - (k) An autism spectrum disorder; or
 - (l) Developmental delays.
2. “Residential school” means an institution, a foster home or other facility which is located in or outside the county school district of a person with a disability and in which he or she receives room and board and special education for his or her particular disability.

3. “Special education program” has the meaning ascribed to it in NRS 388.5219.

388.462 Psychological and educational evaluation of persons with disabilities. (NRS 385.080)

1. A county school district shall conduct a comprehensive psychological and educational evaluation of each person with a disability whom it considers for placement outside the district pursuant to NRS 388.5211 to 388.5243, inclusive.

2. Such an evaluation must be conducted every 3 years or more frequently if conditions warrant or if requested by the person with a disability, his or her parents, parent, guardian or residential school.

388.464 Individualized educational programs: Preparation; purpose; review or revision. (NRS 385.080)

1. The county school district shall prepare an individualized educational program for each person with a disability whom it considers for placement outside the district.

2. The individualized program aids in determining the person’s eligibility for benefits under NRS 388.5211 to 388.5243, inclusive, and in identifying an appropriate educational program for the person.

3. In any meeting for review or revision of the individualized program, the county school district shall provide for representation from the residential school concerning its special program of education.

388.466 Determination by administrative staff; application to board of trustees. (NRS 385.080) The administrative staff of a county school district shall determine whether an appropriate educational program is available within the district. If it is determined that there is

not a program available, the staff shall verify that all requirements for eligibility set forth in NRS 388.5223 have been met and submit the application to the board of trustees of the district.

388.468 Submission of documents by board of trustees to Superintendent of Public

Instruction. (NRS 385.080) The board of trustees of the county school district shall send the following documents to the Superintendent of Public Instruction:

1. The individualized educational program for the person with a disability.
2. Parental agreement to accept responsibility for the medical, dental and personal expenses of the person with a disability.
3. A signed authorization from the person with a disability, his or her parents, parent or guardian allowing the Department of Education to obtain and release confidential information about the person to other residential schools.
4. The comprehensive evaluation of the person with a disability provided by the school district.
5. A summary of the previous actions taken by the school district to provide an appropriate education for the person with a disability.

388.470 Receipt of application; Superintendent of Public Instruction authorized to request further evaluation. (NRS 385.080) After receiving the application and supporting documents, the Superintendent of Public Instruction may request that a further evaluation of the person with a disability be conducted at state expense.

388.472 Confidentiality of records by Department of Education. (NRS 385.080) The Department of Education will keep confidential all records of transactions pertaining to the person with a disability. All information which can be identified as related to the person with a disability will be treated in a secure and confidential manner.

388.474 Rejection of application. (NRS 385.080) If the Superintendent of Public Instruction does not approve an application, he or she shall return it to the board of trustees of the county school district for reevaluation.

388.476 Approval of application; selection of educational program. (NRS 385.080) Upon approval of an application by the Superintendent of Public Instruction, the Department of Education will select an educational program based on the following criteria:

1. The person must be educated in the least restrictive environment which is appropriate for him or her.
2. The placement must be the least expensive to the State of those possible placements which are equally appropriate.

388.478 Procedure when appropriate educational program not readily available. (NRS 385.080) If an appropriate educational program is not readily available for the person with a disability, the Superintendent of Public Instruction shall so notify the person, his or her parents, parent or guardian and the county school district. The Department of Education will search for an appropriate educational placement for the person until:

1. The person's placement is accomplished in an appropriate program;
2. The person's application is withdrawn by his or her parents, parent or guardian; or
3. The person is no longer eligible to receive benefits under NRS 388.5223 to 388.5243, inclusive.

388.480 Transportation expenses. (NRS 385.080) The Department of Education will provide, by reimbursement, for the expenses of transportation:

1. Of the person with a disability and his or her parents, parent or guardian for the initial trip to a residential school and their return trip home; and

2. Of the person with a disability and one parent or an escort for subsequent trips to and from the residential school at the beginning and ending of each school year and during holidays and recesses scheduled by the school which are of 2 days duration or longer.

388.482 Annual assessment and report of progress; visit by staff member; license of residence or school required. (NRS 385.080)

1. Each county school district shall, at least annually, determine the progress of each person with a disability from the school district who has received placement pursuant to NRS 388.5223 to 388.5243, inclusive. The school district shall:

- (a) Review, at least annually and in accordance with subsection 3 of NAC 388.464, the individualized educational program for the person;
- (b) Examine the person's report cards and other reports of his or her progress; and
- (c) Submit an annual report concerning the person's progress to the Department of Education.

2. Staff members of the Department or county school district shall, to review the educational program and placement of such persons with disabilities, conduct a visit at least annually to each place of residence or education in which a person with a disability from the district has been assigned for special education and shall submit to the Superintendent of Public Instruction a report of the visit. The Superintendent shall send a copy of the report to the school district of the person with a disability and to the person's parents, parent or guardian.

3. No person with a disability will be placed in a residence or school which does not maintain appropriate licenses from the state in which it is located.

388.484 Proposal of school district to return person with disability to school district; federal money for proposal; restriction on use of money in subsequent years. (NRS 385.080)

1. Each school district shall submit a proposal to the Department of Education describing special education and related services designed to return a person with a disability to the school district and the cost of such services.

2. If federal money is sufficient to pay the cost of the proposal, the Superintendent of Public Instruction shall make the necessary arrangements for the school district to provide the services described in its proposal.

3. Unless authorized by law, federal money provided pursuant to subsection 2 must not be used to pay for special education and related services offered by the school district in subsequent years.

388.486 Change of address, telephone number or marital status. (NRS 385.080) Each such parent or guardian shall immediately notify the county school district and the Department of Education of any change in his or her address, telephone number or marital status.

388.488 Continuation of benefits: Annual certification and notification by superintendent of school district; determination by Superintendent of Public Instruction; notice of ineligibility. (NRS 385.080)

1. The superintendent of each school district shall annually certify, and notify the board of trustees of the district, with regard to each person with a disability from the school district who is receiving benefits pursuant to NRS 388.5223 to 388.5243, inclusive, that:

(a) The person has an individualized educational program developed in accordance with chapter 388 of NAC; and

(b) After a review of the educational needs of the person and a review of the available resources of the local school district, it has been determined that an appropriate educational program is not available locally and, therefore, the person requires the continuation of benefits.

2. A determination concerning the continued eligibility of a person with a disability for benefits must be made by the Superintendent of Public Instruction based upon the following considerations:

(a) A current individualized educational program that is submitted to the Department of Education by a school district; and

(b) Information provided by the residential school or program attended by the person.

3. Written notification must be provided to the school district if the Superintendent of Public Instruction determines that the person with a disability is no longer eligible for benefits.

NAC 388.319 Contingency Account for Special Education Services: Eligibility of school district or charter school for reimbursement of certain expenses for special education services. ([NRS 385.080](#), [388.5243](#))

1. An expense incurred by a school district or charter school is eligible for reimbursement from the Contingency Account for Special Education Services pursuant to [NRS 388.5243](#) if:

(a) The expense is for special education, related services, *travel*, supplementary aids and services or transition services provided to a pupil with significant disabilities;

(b) The school district or charter school has determined that the pupil to whom the services are provided is eligible to receive special education and related services pursuant to [NRS 388.417](#) to [388.515](#), inclusive;

(c) The Superintendent of Public Instruction determines that the total cost of special education, related services, *travel*, supplementary aids and services and transition services provided to the pupil exceeds the total funding available to the school district or charter school for the pupil;

(d) The services are set forth in an individualized education program developed by the school district or charter school for the pupil in accordance with [NRS 388.419](#); and

(e) The school district or charter school has not received reimbursement for the expense from any other source.

2. As used in this section and [NRS 388.5243](#), “pupil with significant disabilities” means a pupil with a disability:

(a) To whom special education, related services, *travel*, supplementary aids and services or transition services are provided; and

(b) For whom the Superintendent of Public Instruction determines pursuant to paragraph (c) of subsection 1 that the total cost of services described in paragraph (a) that are provided to the pupil exceeds the total funding available to the school district or charter school for the pupil.

3. As used in this section:

(a) “Pupil with a disability” has the meaning ascribed to it in [NAC 388.093](#).

(b) “Related services” has the meaning ascribed to it in [NAC 388.101](#).

(c) “Special education” has the meaning ascribed to it in [NAC 388.115](#).

(d) “Supplementary aids and services” has the meaning ascribed to it in [NAC 388.132](#).

(e) “Transition services” has the meaning ascribed to it in [NAC 388.133](#).

(Added to NAC by Bd. of Education by R032-16, eff. 9-9-2016)

NAC 388.323 Contingency Account for Special Education Services: Application for reimbursement of certain expenses; approval or denial of application; decision not subject to review. ([NRS 385.080](#), [388.5243](#))

1. A school district or charter school may apply to the Department for reimbursement from the Contingency Account for Special Education Services pursuant to [NRS 388.5243](#) by submitting an application in the form prescribed by the Department.

2. The application must:

(a) Clearly identify the services for which reimbursement is requested; and

(b) Include, without limitation, documentation of all such services and their respective expenses, and any other information required by the Department.

3. The Department shall review and approve or deny a completed application for reimbursement and give notice of its decision to the applicant. The Department may deny an application, wholly or in part, if it determines that the expense for which reimbursement is requested is excessive, unsubstantiated or not eligible for reimbursement pursuant to [NAC 388.319](#).

4. If the Department approves an application for reimbursement, the Department shall clearly identify each expense or category of expenses for which reimbursement is approved. For any expense that has not been incurred as of the date the application is approved, the Department shall disburse the reimbursement as the expense is actually incurred.

5. A decision of the Department approving or disapproving an application for reimbursement, including, without limitation, that part of a decision establishing the amount of an approved reimbursement, is not subject to administrative or judicial review.

(Added to NAC by Bd. of Education by R032-16, eff. 9-9-2016)