

NEVADA DEPARTMENT OF EDUCATION

Public Workshop

August 13, 2025

2:00 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	Silver Ore Conference Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. 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 call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can 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 Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by 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. 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 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. 2:00 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.XXX - To Identify Certain Environmental and Social Factors Impacting Student's Educational Experience *(For possible action)*

The proposed changes seek to clarify language.

- Christy McGill, Deputy Superintendent, Office of Educator Effectiveness and Family Engagement

4. 2:02 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 391A.300 - To Prescribe Professional Development Training Standards for Teachers and Administrators *(For possible action)*

The proposed changes seek to clarify language.

- Jeff Briske, Director, Office of Educator Effectiveness and Family Engagement

5. 2:04 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.460 – 388.488 - To Remove Language Tied to Program for Persons With Disabilities With Unique Needs Already Removed in Statute *(For possible action)*

The proposed changes seek to remove language already repealed in statute.

- Julie Bowers, Director, Office of Comprehensive Student Services

6. 2:06 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.435- To Clarify and Update Language Regarding Gifted and Talented Pupils *(For possible action)*

The proposed changes seek to update language.

- Lara O'Mara, Education Programs Professional, Office of Comprehensive Student Services

7. 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.

8. ADJOURNMENT

Joe Lombardo
Governor



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Steve Canavero, Ph.D.
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STATE BOARD OF EDUCATION
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, August 13, 2025** is [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 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:

2:04 PM Workshop to Solicit Comments on Proposed Amendments to R009-25; NAC 388.460 – NAC 388.488 — To Remove Language Tied to Program for Persons With Disabilities With Unique Needs Already Removed in Statute.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, August 12, 2025.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education 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 and/or mailed to members of the public upon request.

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

LCB FILE NO. R009-25I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/02/2025**

Program for Persons With Disabilities With Unique Needs - NAC sections 388.460 - 388.488

NAC sections 388.460 through 388.488 must be repealed because they explicitly reference and were designed to implement NRS sections 395.30, 395.40, 395.50, and 395.60, which have since been repealed. Maintaining regulations that are directly tied to non-existent statutory authority creates confusion and lacks a legal basis for their continued enforcement. The outdated application process for out-of-district placement described in these NAC sections has also been replaced by the CASE process, as outlined in NRS 388.5223 - 388-5243 and its implementing regulations, NAC 388.319 and NAC 388.323. Therefore, to ensure regulatory accuracy, consistency with current law, and to avoid confusion, NAC sections 388.460 through 388.488 should be repealed.

~~[Program for Persons With Disabilities With Unique Needs~~

~~—NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 2, eff. 2-12-81]— (NAC A 3-14-96; A by Bd. of Education by R017-18, 1-30-2019)— (Substituted in revision for NAC 395.010)~~

~~—**NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 3, eff. 2-12-81]— (NAC A 3-14-96)— (Substituted in revision for NAC 395.020)~~

~~—**NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 4, eff. 2-12-81]— (NAC A 3-14-96)— (Substituted in revision for NAC 395.030)~~

~~—**NAC 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:

~~—[Bd. of Education, Handicapped Persons § 6, eff. 2-12-81]— (NAC A 2-1-85)—
(Substituted in revision for NAC 395.040)~~

~~—NAC 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:~~

~~—[Bd. of Education, Handicapped Persons § 9, eff. 2-12-81]— (NAC A 3-14-96)—
(Substituted in revision for NAC 395.060)~~

~~—NAC 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:~~

~~—[Bd. of Education, Handicapped Persons § 10, eff. 2-12-81]— (NAC A 3-14-96)—
(Substituted in revision for NAC 395.080)~~

~~—NAC 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:~~

~~—[Bd. of Education, Handicapped Persons § 16, eff. 2-12-81]— (NAC A 3-14-96)—
(Substituted in revision for NAC 395.090)~~

~~—NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 11, eff. 2-12-81]—(Substituted in revision for NAC 395.100)~~

~~—NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 12, eff. 2-12-81]—(Substituted in revision for NAC 395.110)~~

~~—NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 13, eff. 2-12-81]—(NAC A 3-14-96)—(Substituted in revision for NAC 395.120)~~

~~—NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 14, eff. 2-12-81]—(NAC A 3-14-96)—
(Substituted in revision for NAC 395.130)~~

~~—NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 17, eff. 2-12-81]—(NAC A 3-14-96)—
(Substituted in revision for NAC 395.140)~~

~~—NAC 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:~~

~~—(Added to NAC by Bd. of Education, eff. 3-14-96) — (Substituted in revision for NAC 395.145)~~

~~—NAC 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:~~

~~—[Bd. of Education, Handicapped Persons § 15, eff. 2-12-81] — (Substituted in revision for NAC 395.150)~~

~~—NAC 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.~~

~~—[Bd. of Education, Handicapped Persons § 5, eff. 2-12-81]—(NAC A 3-14-96)—
(Substituted in revision for NAC 395.160)]~~

**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.

Joe Lombardo
Governor

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



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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: June 14, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapters 388.460 – 388.488.

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding the removal of language tied to program for persons with disabilities with unique needs already removed in statute is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. 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 hereby further 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 was prepared properly and is accurate.

Respectfully submitted,

A blue ink signature of Steve Canavero, consisting of a stylized 'S' and 'C' followed by a horizontal line.

Steve Canavero
Superintendent of Public Instruction

Joe Lombardo
Governor

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



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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, August 13, 2025** is [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 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:

2:00 PM Workshop to Solicit Comments on Proposed Amendments to R015-25, formerly R144-22; NAC 388.XXX — To Identify Certain Environmental and Social Factors Impacting Student's Educational Experience.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, August 12, 2025.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education 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 and/or mailed to members of the public upon request.

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

LCB File No. R015-25

June 16, 2025

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

AUTHORITY: §1, NRS 388.900.

A REGULATION relating to education; requiring the board of trustees of each school district and the governing body of each charter school to identify certain social and environmental factors that affect the educational experience of pupils; requiring the board of trustees of each school district and the governing body of each charter school to submit to the Department of Education a report containing certain information ; requiring the Department to provide a list of resources of nationally accepted measurements of such social and environmental factors; requiring certain governmental entities to consider certain mitigating factors when making decisions relating to a school, staff or pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that require the board of trustees of each school district and the governing body of each charter school to identify social and environmental factors that affect the educational experience of pupils at each school in that school district and each charter school governed by the governing body. Existing law also requires the State Board to adopt regulations requiring the Department of Education, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider those factors when making decisions regarding the school and its pupils and staff. (NRS 388.900)

This regulation requires the board of trustees of each school district and the governing body of each charter school to identify social and environmental factors affecting pupils which include, without limitation: (1) the availability of consistent and affordable housing; (2) the availability of consistent and affordable food; (3) poverty and employment; (4) the availability of affordable transportation; (5) access to predictable and affordable health care; (6) crime and violence; (7) the prevalence of trauma; and (8) any other unique needs and characteristics of the community served by the school district or charter school which may affect the educational experience of pupils.

This regulation further requires the board of trustees of each school district and the governing body of each charter school to submit an annual report to the Department regarding

such social and environmental factors. This regulation requires the Department to submit an annual summary of such information to the State Board.

This regulation also requires the Department to provide a list of resources of nationally accepted measurements of certain social and environmental factors to the board of trustees of each school district and the governing body of each charter school and to post such a list on its Internet website. Finally, this regulation requires the Department, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider factors that serve to mitigate or protect against the harm caused by social and environmental factors.

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

1. The board of trustees of each school district and the governing body of each charter school shall identify social and environmental factors that affect the educational experience of pupils which must include, without limitation, factors relating to:

(a) The availability of consistent and affordable housing, including, without limitation:

(1) Average monthly costs for rent;

(2) Rates of transience;

(3) Rates or other measurements pertaining to homelessness; and

(4) The percentage of pupils served by the school district or charter school who are experiencing homelessness, as defined in 42 U.S.C. § 11302;

(b) The availability of consistent and affordable food, including, without limitation:

(1) The number of grocery stores;

(2) The number of food banks or other emergency services established to address food insecurity; and

(3) The percentage of pupils served by the school district or charter school who qualify for free or reduced-price lunch;

(c) Poverty and employment, including, without limitation:

(1) The average household income of households in the community served by the school district or charter school;

(2) The average number of hours worked per week by pupils and by parents or guardians of pupils;

(3) The unique characteristics and needs of the community served by the school district or charter school based on industry sectors which are prevalent in the community; and

(4) Any other measurements regarding poverty in the community served by the school district or charter school;

(d) The availability of affordable transportation, including, without limitation:

(1) The availability of public transportation;

(2) The percentage of pupils who are transported to and from school by transportation services sponsored by the school district or charter school; and

(3) The average distance and time spent by pupils traveling to and from school;

(e) Access to predictable and affordable health care, including, without limitation:

(1) The rates of residents of the community served by the school district or charter school who are uninsured, underinsured or insured by federal or state health care programs; and

(2) The per capita rates of physical and mental health care providers in the community served by the school district or charter school;

(f) Crime and violence, including, without limitation:

(1) Rates of arrest in the community served by the school district or charter school; and

(2) The percentage of persons in the community served by the school district or charter school who are currently or formerly incarcerated;

(g) The prevalence of trauma, including, without limitation, measurements of:

(1) Adverse childhood experiences within the community served by the school district or charter school;

(2) Behaviors and risks associated with increased rates of trauma; and

(3) Other poor health outcomes, including, without limitation, physical and mental health; and

(h) The unique needs and characteristics of the community served by the school district or charter school which may affect the educational experience of pupils in the community.

2. The board of trustees of each school district and the governing body of each charter school shall submit to the Department, on or before August 1 of each year, an annual report regarding the description of the social and environmental factors identified pursuant to subsection 1. The report must include, without limitation, information regarding the sources consulted in identifying the social and environmental factors pursuant to subsection 1, including, without limitation, copies of manuscripts or other reports, citations of reports or findings and links to Internet websites from which such information was obtained. The Department shall provide an annual summary report of the information provided to the Department pursuant to this subsection to the State Board of Education.

3. To facilitate compliance with this section and NRS 388.900, the Department shall:

(a) Provide a list of resources that reflect nationally accepted measurements of the social and environmental factors required to be identified pursuant to subsection 1 at least annually to the board of trustees of each school district and the governing body of each charter school; and

(b) Post the list of resources most recently provided pursuant to paragraph (a) on its Internet website.

4. When making decisions concerning a school or interacting with and making decisions concerning the staff of a school or the pupils enrolled at a school, the Department, the board of trustees of each school district, the governing body of each charter school and the staff of each public school must consider, in addition to the social and environmental factors identified pursuant to subsection 1, any other factor present in the community served by the school that serves to mitigate or protect against the harm caused by any of the social and environmental factors identified pursuant to subsection 1.

Joe Lombardo
Governor

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



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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: June 14, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX.

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding the identification of environmental factors that affect the educational experience of students is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. 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 hereby further 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 was prepared properly and is accurate.

Respectfully submitted,

A blue ink signature of Steve Canavero, consisting of stylized cursive letters.

Steve Canavero
Superintendent of Public Instruction

Joe Lombardo
Governor

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



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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, August 13, 2025** via [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 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:

2:02 PM Workshop to Solicit Comments on Proposed Amendments to NAC 391A.300– Prescribing standards for professional development training provided to teachers and administrators employed by a school district or charter school.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meetings Material Page](#), by contacting the Nevada Department of Education, via email at NVBoardED@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, August 12, 2025.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education 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 and/or mailed to members of the public upon request.

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

LCB File No. R137-23

June 10, 2025

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

AUTHORITY: § 1, NRS 385.080 and 391A.370.

A REGULATION relating to education; revising the standards for professional development training provided to teachers and administrators employed by a school district or a charter school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations to prescribe the standards for the professional development training provided to teachers and administrators employed by a school district or charter school. (NRS 391A.370) This regulation revises those standards. (NAC 391A.300)

Section 1. NAC 391A.300 is hereby amended to read as follows:

391A.300 1. In developing, implementing and evaluating professional development training for teachers and administrators, a regional training program for the professional development of teachers and administrators, a school district or a charter school of this State, as applicable, must use the standards prescribed in subsection 2.

2. Professional development training for teachers and administrators employed by a school district or a charter school must ~~be~~:

~~—(a) Provide~~ *provide* learning experiences for teachers and administrators that increase the effectiveness of teachers and administrators and improve the results for all pupils ~~and align~~ *and align with the following standards:*

(a) Providing professional learning for each teacher and administrator that is aligned to standards, guidelines and research specific to the role of the teacher or administrator and the content knowledge relevant to that role;

~~(b) Occur within learning communities committed to continuous improvement, collective responsibility and alignment with goals;~~

~~—(c) Be provided~~ *Provision of professional learning* by *knowledgeable and* skillful ~~leaders~~ *facilitators* who develop capacity within, advocate for and create systems of support for learning by teachers and administrators;

~~[(d) Prioritize, monitor and coordinate resources for teacher or administrator learning;~~

~~—(e)]~~ *(c) Setting the expectation that professional learning ensures that all pupils have access to an education that is rigorous and inclusive of race, gender, ethnicity, language, ability and other aspects of identity;*

(d) Use of a variety of sources and types of pupil data, teacher or administrator data and other data deemed appropriate to plan, assess and evaluate learning by teachers and administrators;

~~[(f) Integrate theories, research and models of human learning to achieve the outcome intended;~~

~~—(g) Apply research on change and sustain support for implementation of learning by teachers and administrators for long-term change;~~

~~—(h) Align outcomes with the performance of a teacher or administrator and curriculum standards required for a pupil;~~

~~—(i)~~ *(e)* Focus on equitable access, opportunities and outcomes with an emphasis on achievement and disparity of opportunities between groups of pupils; ~~and~~

~~—(j) Facilitate~~ *(f) Use of learning theories in the design of learning and match appropriate learning designs to teacher and administrator learning goals;*

(g) Sustaining learning through opportunities for practice, feedback and follow-up;

(h) Focusing professional learning skills and knowledge needed to implement high-quality curriculum, instructional materials and aligned assessments;

(i) Creating and supporting a culture where professional learning connects to opportunities for and access to a rigorous education for each pupil; and

(j) Facilitating the self-examination by a teacher or administrator of his or her awareness, knowledge, skills and actions that pertain to culture and how he or she can develop culturally responsive strategies to enrich educational experiences for all pupils.

Joe Lombardo
Governor



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

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: June 14, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391A.300.

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding amendments prescribing standards for professional development training provided to teachers and administrators employed by a school district or charter school is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. 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 hereby further 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 was prepared properly and is accurate.

Respectfully submitted,

A blue ink signature of Steve Canavero, consisting of a stylized 'S' and 'C' followed by a horizontal line.

Steve Canavero
Superintendent of Public Instruction

Joe Lombardo
Governor

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



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Notice of Workshop to Solicit Comments on Proposed Regulation

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2:06 PM Workshop to Solicit Comments on Proposed Amendments to NAC 388.435 – To Update and Clarify the Eligibility Requirements for a Pupil who is Gifted and Talented

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meetings Material Page](#), by contacting the Nevada Department of Education, via email at NVBoardED@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, August 12, 2025.

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

LCB FILE NO. R023-25I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/12/2025**

Proposed Amendments to NAC 388.435

NAC 388.435 must be amended because the regulation currently requires that assessments be individually administered, which creates undue hardship on districts who may not have the resources to administer assessments individually and restricts districts who choose to evaluate all students as a means to eliminate the effect of bias in the referral process. The proposed amendments seek to rectify this issue and to clarify the regulation by eliminating redundancies and using more concise language.

1. Except as otherwise provided in subsection 2, a pupil who is gifted and talented is eligible for special services and programs of instruction if a team, comprised of persons selected by the public agency, concludes that the pupil has:
 - (a) General intellectual ability or academic aptitude in a specific area that is demonstrated by ~~[a score at or above the 98th percentile]:~~
 - (1) *A score at or above the 98th percentile* ~~On a test of cognitive ability [that is individually administered];~~
 - (2) *A score at or above the 98th percentile* ~~in a major content area on a nationally standardized achievement test [that is individually administered in kindergarten through eighth grade]; or~~
 - (3) ~~[In a major content area on a nationally standardized achievement test, the Preliminary Scholastic Aptitude Test (PSAT), the Scholastic Aptitude Test (SAT) or the American College Test (ACT) that is administered to a group of students for grades 9 through 12, inclusive; or]~~
A qualifying score on a state approved rubric that reflects both intellectual ability and academic aptitude.
 - (b) An area of talent, including, but not limited to, creative thinking, productive thinking, leadership, ability in the visual arts or ability in the performing arts, as determined by the local public agency of the pupil.
2. In determining the eligibility of a pupil for the special services and programs of instruction referred to in this section, the team may use alternative assessment procedures for a pupil ~~[from another culture]~~ *who is an English Learner*, a pupil ~~[who is environmentally or economically deprived]~~ *experiencing environmental or economic disadvantage*, or a pupil who has a disability.
~~[3.—A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special services and programs referred to in this section.]~~
~~[4.]~~ 3. The conclusions of the team concerning the eligibility of the pupil for the special services and programs of instruction referred to in this section must be based upon an assessment of the talent, cognitive abilities or academic achievement of the pupil.

~~[5-]~~ 4. Unless the pupil's individualized educational program otherwise provides, a pupil who is gifted and talented must participate in not less than ~~[150]~~ 600 minutes of differentiated educational activities each ~~[week]~~ month during the school year.

Joe Lombardo
Governor

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



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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: May 28, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC 388.435

I, Steve Canavero, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding the update and clarification of the eligibility requirements for a pupil who is gifted and talented is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. 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 hereby further 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 was prepared properly and is accurate.

Respectfully submitted,

A blue ink signature of Steve Canavero, consisting of stylized initials and a surname.

Steve Canavero, Ph.D.
Superintendent of Public Instruction