

Joe Lombardo  
Governor

Dr. Victor Wakefield  
Superintendent of Public  
Instruction



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**STATE OF NEVADA**  
**NEVADA DEPARTMENT OF EDUCATION**

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**Legislative Review of Adopted Regulations per NRS 233B.066**

Informational Statement Form for LCB File R085-25, Adopted by the Nevada State Board of Education  
The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC)  
Chapter 388D:

**1. A clear and concise explanation of the need for the adopted regulation:**

Pursuant to changes and requirements under Senate Bill 460 (2025), this regulation clarifies assessment and assessment administration requirements for private schools receiving funds from scholarship granting organizations.

**2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested people may obtain a copy of the summary.**

Public comment was solicited through both the regulatory workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop; the attached public hearing agenda and notice was posted 30 days prior to the public hearing. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response can be summarized no public testimony provided. A copy of the summary may be obtained by contacting Amelia Thibault at [acthibault@doe.nv.gov](mailto:acthibault@doe.nv.gov). Minutes of the public hearing and/or workshop may be obtained by visiting <https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings>.

**3. The number of persons who:**

- Attended Workshop (3) and Hearing (3)
- Testified at Workshop (0) and Hearing (0)
- Submitted Written Statements for Workshop (0) and Hearing (0)

**4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.**

No public testimony occurred responsive to R085-25.

**5. A description of how comments were solicited from affected businesses, a summary of their response, and an explanation of how other interested people may obtain a copy of the summary.**

This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at <https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings>.

**6. If the regulation was adopted without changing any part of the proposed regulation a summary of the reasons for adopting the regulation without change.**

The State Board of Education adopted the proposed regulation at the public hearing held on June 24, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

**7. The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.**

There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor the public.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No other state or governmental agency regulations will be overlapped or duplicated by this regulation. There is no duplication or overlap of federal regulations.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, and a summary of such provisions.**

There are none specific to this provision.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide for a new fee or increase an existing fee.

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](mailto: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](mailto:NVBoardEd@doe.nv.gov). Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov/>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

**STATE BOARD OF EDUCATION  
REGULATION HEARING AGENDA  
JUNE 24, 2026  
9:00 AM**

| 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 <a href="#">Livestream</a> |

**PUBLIC NOTICE**

*The public is hereby noticed that the Nevada State Board of 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 Hearing 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. All individuals providing in-person testimony must fill out a visitor card. If you are unable to attend but would like to provide a written statement for **public comment related to a regulation hearing**, please submit your statement to [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov) **no later than Friday, June 19**. If you are unable to attend but would like to provide a written statement for public comment related to all other items on the agenda, please submit your statement before the conclusion of the meeting to [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov). The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please contact Zach Khan at [NVBoardEd@doe.nv.gov](mailto: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 State Board of Education [Meeting Materials](#) page under the meeting date referenced above or by contacting Lisa Ford at 2080 E. Flamingo Rd, Ste 220, Las Vegas, NV 89119, by phone at 702-486-6561, or via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov). This public notice has been sent to all persons on the agencies mailing list for administrative regulations and the State Board 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 Board will impose a time limit of three minutes. Please hold comments specific to a given hearing until public comment is called upon for that hearing specifically.*

**3. 9:00 AM REGULATION HEARING FOR R018-26 ON PROPOSED CHANGES TO NAC 388D REGARDING REPORTING REQUIREMENTS FOR SCHOLARSHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM (For possible action)**

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R018-26. This regulation repeals regulatory language that was removed directly into statute by SB460 and creates a uniform method and data standards for student-level reporting.

- Anna Reynolds, Director, Office of Career Readiness, Adult Learning, and Education Options
- Ingrid Cepeda, Education Programs Supervisor

**4. 9:01 AM REGULATION HEARING FOR R085-25 ON PROPOSED CHANGES TO NAC 388D REGARDING EXPANDED ACCOUNTABILITY AND STUDENT ASSESSMENT PROVISIONS FOR PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM** *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R085-26. This regulation aligns private school assessment requirements with state and federal public school assessment requirements per SB460 (2025) provisions.

- Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
- Mike Pacheco, Education Programs Supervisor

**5. 9:02 AM REGULATION HEARING FOR R020-26 ON PROPOSED CHANGES TO NAC 389 REGARDING UPDATES TO THE UNIFORM GRADING SCALE** *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26. This regulation adds provisions to the uniform grading scale regarding dual credit coursework.

- Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

**6. 9:03 AM REGULATION HEARING FOR R131-22 ON PROPOSED CHANGES TO NAC 388 REGARDING RESIDENTIAL TREATMENT FACILITIES PROVIDING TREATMENT AND/OR EDUCATIONAL SERVICES TO PUBLIC SCHOOL STUDENTS** *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R131-22. This regulation establishes procedures regarding the placement and care of K-12 students, particularly those in the custody of a public agency, into psychiatric hospital / residential treatment facilities. This regulation also outlines the duties of the hospital / facility and the local education agency as it relates to transition supports for students.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
- Julie Bowers, Director, 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 State Board. 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 Board will impose a time limit of three minutes.*

**8. ADJOURNMENT**

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### Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R085-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **9:31 AM on Wednesday, June 24, 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 hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388D.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

- 1. The need and purpose of the proposed regulations and/or amendments:** SB460 (2025) expanded accountability and student assessment provisions for private schools receiving funds under the Nevada Educational Choice Scholarship Program.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation aligns private school assessment requirements with state and federal public school assessment requirements.
- 3. How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No anticipated economic effect.
- 5. Methods used by the agency in determining the impact on small businesses:** This regulation relates to public and private education and will not have an impact on small businesses.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.
- 7. Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.
- 8. Whether the regulation is required by federal law:** No.
- 9. Whether the regulation is more stringent than federal regulations regarding the same activity:** No.

**10. Whether the proposed regulation establishes a new fee or increase an existing fee: No.**

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at [NVBoardEd@doe.nv.gov](mailto: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](mailto:NVBoardEd@doe.nv.gov). Comments may be submitted via email up until the time of the Hearing. If there is no in-person or written testimony submitted, the State Board of Education may proceed immediately to act upon any written submission.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov/>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed to members of the public upon request.

**Notice per NRS 233B.064:** Upon adoption of any regulation, the State Board, if requested to do so by an interested person either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

**NEVADA DEPARTMENT OF EDUCATION  
REGULATIONS WORKSHOP AGENDA  
OCTOBER 20, 2025  
9:00 AM**

| Office                  |                      |           |                                    |
|-------------------------|----------------------|-----------|------------------------------------|
| 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 <a href="#">Livestream</a> |

**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](mailto: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](mailto: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](mailto: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. 9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388 REGARDING MODEL PLANS TO RESPOND TO CRISIS, EMERGENCY, OR SUICIDE. (For possible action)**

The proposed changes seek to provide guidance on the development of model plans for the management of crisis, emergency, or suicide.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

**4. 9:01 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF VULNERABLE AND HISTORICALLY UNDERSERVED POPULATIONS FOR EARLY CHILDHOOD FUNDING (For possible action)**

The proposed changes seek to define vulnerable and historically underserved populations for the purposes of funding under Nevada Ready! PreK and Early Childhood Literacy and Readiness programs.

- Michael Mitchell, Director, Office of Early Learning and Development

- 5. 9:02 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING PRIVATE SCHOOLS AND SCHOLARSHIP GRANTING ORGANIZATIONS. *(For possible action)***  
The proposed changes relate to private schools and scholarship granting organizations participating in the Nevada Educational Choice Scholarship program.
- Nicci Miller, Education Programs Supervisor, Office of Student and School Assessments
- 6. 9:03 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING ASSESSMENTS *(For possible action)***  
The proposed changes relate to assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.
- Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
  - Mike Pacheco, Education Programs Supervisor
- 7. 9:04 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 390 REGARDING ASSESSMENTS *(For possible action)***  
The proposed changes relate to the time used for administering and preparing for assessments.
- Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
  - Mike Pacheco, Education Programs Supervisor
- 8. 9:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS AND INSTRUCTIONAL TIME *(For possible action)***  
The proposed changes relate to school calendars and instructional time.
- Amelia Thibault, Director, Office of Division Compliance
- 9. 9:06 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY-BASED EDUCATION *(For possible action)***  
The proposed changes relate to programs of personalized, competency-based education.
- Amelia Thibault, Director, Office of Division Compliance
- 10. 9:07 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF SCHOOL INNOVATION *(For possible action)***  
The proposed changes relate to programs of school innovation.
- Amelia Thibault, Director, Office of Division Compliance
- 11. 9:08 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, NAC 389, AND NAC 390 REGARDING CLEANUP, ALIGNMENT, AND CLARITY *(For possible action)***  
The proposed changes relate to ensuring alignment, clarity across regulatory language and processes.
- Amelia Thibault, Director, Office of Division Compliance
- 12. 9:09 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING PETITIONS TO ELIMINATE STATUTORY AND REGULATORY REPORTS *(For possible action)***  
The proposed changes relate to petitions to eliminate statutory and regulatory reports.
- Amelia Thibault, Director, Office of Division Compliance
- 13. 9:10 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING OPEN ENROLLMENT AND TRANSPORTATION SERVICES UNDER OPEN**

**ENROLLMENT** *(For possible action)*

The proposed changes relate to systems of open enrollment and transportation services under systems of open enrollment.

- Amelia Thibault, Director, Office of Division Compliance

**14. 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.*

**15. ADJOURNMENT**

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 new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 2025**, available to stream online via [YouTube](#) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

**9:03 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388D.XXX** regarding assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.

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](mailto: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](mailto: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.