

Joe Lombardo  
Governor

Dr. Victor Wakefield  
Superintendent of Public  
Instruction



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

700 E. Fifth Street | Carson City, Nevada 89701-5096  
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**Legislative Review of Adopted Regulations per NRS 233B.066**

Informational Statement Form for LCB File R086-25, Adopted by the Nevada Department of Education and Superintendent of Public Instruction

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 390:

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

The Nevada Department of Education and Superintendent of Public Instruction are tasked with developing regulations pursuant to SB460 (2025) regarding the use of time on assessments.

**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. 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.

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

- a. Attended Workshop (2) and Hearing (1)
- b. Testified at Workshop (1) and Hearing (0)
- c. 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.**

Susan Jansen, Board Trustee, Douglas County School District. Comment was related to a clarification regarding the assessments that qualify under the limitation.

**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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

**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 Superintendent of Public Instruction adopted the proposed regulation at the public hearing held on February 25, 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.

**NEVADA DEPARTMENT OF EDUCATION  
REGULATIONS HEARING AGENDA  
FEBRUARY 25, 2026  
2:30 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 <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 Castellanos 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. 2:30 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS (For possible action)**

The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding the definitions, processes, and purposes of creating and implementing educator performance improvement plans as drafted by the Teachers and Leaders Council. Performance improvement plans are required pursuant to changes in SB460 under the Nevada Educator Performance Framework regarding post-probationary administrators or educators.

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

**4. 2:31 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER (For possible action)**

The Nevada Department of Education will hold regulation hearing on proposed changes to NAC 391A regarding the establishment of the Education Service Center. Created by the 2025 Nevada Legislature

through SB460, this Center is designed to manage and provide support programs for local school districts and charter schools. The proposed regulations in LCB File R084-25 will define how the Center operates by setting specific requirements for its Board of Directors to ensure representation from large and small districts, teachers, and school leaders across the state. Additionally, the regulations establish the qualifications and hiring process for the Executive Director, set fiscal oversight rules requiring Board approval for contracts of \$50,000 or more, and ensure public accountability through a required website and annual reports to state leadership regarding the Center's activities and funding.

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

**5. 2:32 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 390 REGARDING INSTRUCTIONAL TIME USED TO ADMINISTER ASSESSMENTS** *(For possible action)*

The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding changes under SB460 regarding the use of time to administer assessments, to include clarifying which assessments qualify under the established 2% cap.

- Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management

**6. 2:33 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 385 REGARDING PETITIONS TO STREAMLINE OR ABOLISH REPORTING REQUIREMENTS** *(For possible action)*

The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 385 regarding petitions to streamline or abolish reporting requirements pursuant to SB460, to include the Department's jurisdiction and process for evaluation.

- Amelia Thibault, Legislative Liaison, Office of the Superintendent of Public Instruction

**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**

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**Notice of Intent to Act Upon a Regulation**

Notice of Hearing for the Adoption of LCB File R086-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:32 PM on Wednesday, February 25, 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 390.

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) created a new requirement regarding limitations on the amount of instructional time used to administer assessments.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation establishes criteria regarding the applicable assessments and instructional time used to administer such assessments.
- 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 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.

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**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**

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**AGENDA**

**1. CALL TO ORDER**

**2. PUBLIC COMMENT #1**

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**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**



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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:

**9:04 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 390.XXX** regarding time used for administering and preparing for assessments.

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.