

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

**LCB FILE NO. R017-26I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 01/29/2026**

**NAC 388.540 Proposed Revision:**

1. Provide for the initial identification of pupils who are English learners using the standardized statewide entrance and exit procedures for identifying such pupils that are adopted by the Department and approved by the State Board. *Notwithstanding the requirement for approval by the State Board, the Department shall adopt the proficiency levels and cut scores established by the publisher of the assessment.*
2. Provide for the periodic assessment of pupils who are English learners by:
  - (a) Formally evaluating the proficiency in English and academic achievement of pupils who are English learners, including, without limitation, by annually administering the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810 *and applying the proficiency levels or scores recommended by the publisher of the assessment*; and...
  - (b) Informally evaluating the proficiency in English and academic achievement of pupils who are English learners.
3. Provide for the reassessment of a pupil who is identified as an English learner pursuant to standardized statewide procedures for reassessing such pupils that are adopted by the Department and approved by the State Board.