

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

LCB File No. R017-26

February 25, 2026

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

AUTHORITY: § 1, NRS 385.080 and 388.405.

A REGULATION relating to education; revising requirements governing the periodic assessment of pupils who are English learners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires: (1) the board of trustees of each school district to develop a policy for the instruction to teach English to pupils who are English learners; and (2) the State Board of Education to adopt regulations prescribing criteria for such policies. (NRS 388.405, 388.407) Existing regulations require a policy for the instruction to teach English to pupils who are English learners to provide for the: (1) initial identification of such pupils; and (2) periodic assessment and reassessment of such pupils. (NAC 388.540) This regulation revises these requirements by requiring the: (1) Department of Education to adopt certain metrics for measuring performance established by the publisher of the assessment; and (2) application of such metrics during the periodic assessment of such pupils.

Section 1. NAC 388.540 is hereby amended to read as follows:

388.540 *1.* A policy for the instruction to teach English to pupils who are English learners must, without limitation:

~~1.~~ *(a)* 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. *The Department shall include as components of such procedures, without limitation, provisions for the adoption and application of measurements for determining the performance level of a pupil who completes*

an assessment used to identify a pupil as an English learner established by the publisher of such an assessment.

~~12.1~~ (b) Provide for the periodic assessment of pupils who are English learners by:

~~1(a)~~ (1) 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

~~1(b)~~ (2) Informally evaluating the proficiency in English and academic achievement of pupils who are English learners.

~~13.1~~ (c) *Provide for the adoption and application of the proficiency levels and cut scores established by the publisher of the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810 when administering the assessment pursuant to paragraph (b).*

(d) 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.

2. As used in this section, “cut scores” means the scores established by the publisher of the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810 and used by an entity administering the assessment to determine the performance level of a pupil who completes the assessment.