

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB FILE NO. R145-26I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/24/2026**

NAC 388.XXX – Professional development

1. *The board of trustees of each school district and the governing body of each charter school must ensure that each licensed teacher in their employment completes a course of professional development on English language acquisition and development as described in subsection 3.*
2. *Each licensed teacher must submit proof of their completion of this training by October 1, 2030, as a condition of their continued employment. School districts and the governing body of each charter school shall verify and maintain records of the completion of this training, such as professional development attendance records or records to satisfy the exemption in subsection 4.*
3. *To satisfy the conditions of this requirement, a course in English language acquisition and development must:*
 - a. *Consist of at least six hours of instruction to include:*
 - i. *At least 55 minutes of instruction on using English language proficiency assessments to identify pupil strengths and determine specific language skills requiring explicit instruction*
 - ii. *At least 55 minutes of instruction on the principles of how English learning is similar to and different from a first language and recognizing factors that affect language acquisition to provide comprehensible input.*
 - iii. *At least 110 minutes of instruction, flexibly prioritized across the following domains, based on the teacher's grade level and instructional role:*
 1. *Establishing academic talk routines and oracy as a prerequisite for reading and writing, academic oral language*
 2. *Implementing targeted scaffolds to assist pupils who are English learners in managing complex writing tasks and expressing increasingly complex ideas, scaffolding writing instruction*
 3. *Utilizing multimodal vocabulary plans and cognates to build academic language, explicit vocabulary instruction*
 4. *Adapting the Science of Reading to include explicit instruction in syntax, vocabulary, and background knowledge tailored for English language acquisition, evidence-based reading with language scaffolds*
 5. *Supporting cross-linguistic transfer and the strategic use of a pupil's home language to deepen conceptual understanding, dual language development.*
 - a. *Instructional strategies within these topics must be explicitly differentiated to address the distinct needs of pupils who are newcomers to the English language, pupils who are long-term English learners, and pupils with limited or interrupted formal education.*
 - b. *Elementary educators should prioritize learning in evidence-based reading with language scaffolds and dual language development*
 - c. *Secondary educators should prioritize learning in academic oral language, scaffolded writing instruction, and explicit vocabulary instruction.*
 - b. *A local education agency may authorize substitution of the 110 minutes of instruction pursuant to section 3(a)(i) and 3(a)(ii) for extended focus on the topics included in 3(a)(iii), to total no less than 360 minutes, to be made available to educators that have previously received sufficient training on the topics in section 3(a)(i) and 3(a)(ii) and responsive to the instructional needs and enrollment trends of English learners or their proficiency data. The local education agency must maintain local documentation demonstrating verification of the prior training undertaken by each*

educator who attends a reconfigured training pursuant to this section, which must be made available upon request from the Department.

4. *A licensed educator is exempt and shall be considered to have satisfied this requirement if the teacher holds or provides proof of:*
 - a. *An English language acquisition and development endorsement;*
 - b. *A bilingual education endorsement; or*
 - c. *Equivalent prior coursework, as verified by the employing school district or charter authority.*

NAC 388.XXX – Newcomer to the English language

1. *“Newcomer to the English language” means a pupil who is enrolled in a public school; is an English learner; and has been enrolled in a school in the United States for a cumulative total of not more than 20 school months.*
2. *Any school month in which a pupil is enrolled for at least one school day in a public or accredited private school shall count toward the cumulative 20-month total. Months during which a pupil was not enrolled in a public or accredited private school, including periods of homeschooling, residency in the United States without school enrollment, or gaps in education, shall not be included in the cumulative total. The calculation must begin on the pupil’s first date of enrollment in a school within the United States; a pupil’s physical date of entry into the United States shall not be used for calculative purposes.*

NAC 388.XXX – Short-term English learner

1. *“Short-term English learner” means a pupil who has been identified as an English learner within the immediately preceding 6 years; has not yet achieved English language proficiency per NRS 388.407; and does not meet the definition of a newcomer to the English language.*

NAC 388.XXX – Long-term English learner

1. *“Long-term English learner” means a pupil who has been classified as an English learner for more than 6 consecutive years after the pupil was first identified as an English learner and has not yet achieved English language proficiency per NRS 388.407.*
2. *The 6 consecutive years are continuous, beginning on the date a pupil is initially identified as an English learner; this period does not pause for extended absences, out-of-country travel, or gaps in educational enrollment, and does not restart if the pupil changes schools or districts.*

NAC 388.XXX – Limitations and Exemptions

1. *The definitions established for English learners do not limit the authority of a local education agency to provide necessary instructional interventions or assign a pupil to a specific language instruction education program, such as a newcomer program, based on the pupil’s individual linguistic and academic needs.*
2. *A local education agency may use scores on an English language proficiency assessment, academic assessment data, portfolios, teacher recommendations, or other relevant linguistic benchmarks to determine appropriate program placement.*

NAC 388.XXX – Extended enrollment

1. *“Extended enrollment” means continued enrollment at a public high school for not more than 10 semester after the date which the pupil was otherwise scheduled to graduate, or until the pupil is 21 years of age, which is earlier.*

NAC 388.XXX – Extended enrollment eligibility

1. *A pupil is eligible for extended enrollment if:*
 - a. *The pupil meets the definition of a Newcomer to the English Language at the time of their first enrollment in a public high school; and*
 - b. *The pupil is identified, at the time the extended enrollment is initiated, as an English learner and has not exited English learner status*
>>> A pupil is eligible for extended enrollment if they meet these qualifications regardless of their English language proficiency score per NRS 390.810.

NAC 388.XXX – Extended enrollment placement

1. *The placement of an eligible pupil during a period of extended enrollment must be determined by the local education agency in alignment with the following provisions:*
 - a. *The pupil should be assigned to a public high school within the local education agency that provides specialized extended coursework or programming for English learners, if available. If no such school is available, the pupil may remain in their enrolled school. At the discretion of the administration of a public school, the student may also be admitted to another public high school within the local education agency that is not their enrolled school nor provides specialized coursework.*
 - b. *The school where the eligible pupil continues their enrollment must ensure that the pupil receives the services and coursework necessary to achieve English language proficiency and meet the goal established in their individual graduation plan; such services and programming must comply with NAC 388.640.*
 - c. *If an eligible pupil has an individualized education program or a plan developed in accordance with Section 504 of the Rehabilitation Act of 1973, 29 USC 794, the determination of the most appropriate educational setting for the period of extended enrollment must be made by the pupil's individualized education program team or the team developed to establish the Section 504 plan, in collaboration with the English learner staff. This determination must be based on the individual needs of the pupil and the requirements for the least restrictive environment per NRS 388.450.*

NAC 388.XXX – Plans and evaluations

1. *No later than the penultimate semester in which the eligible pupil is otherwise scheduled to graduate, or as soon as practicable after it is determined that the pupil is unable to complete the requirements for a standard high school diploma, the school of enrollment must notify the pupil and their parent or legal guardian, as applicable, of their right to extended enrollment; this notice must be provided in the home language of the student.*
2. *If an eligible student elects for extended enrollment, the school of their continued enrollment must develop an individual graduation plan, to be provided to the pupil and their parent or legal guardian, as applicable, in the home language of the student.*
3. *When evaluating a pupil's progress, a local education agency shall not define expected academic progress solely by a standardized minimum grade point average or a requirement to pass all courses on the first attempt. Expected academic progress must be determined by the pupil meeting the specific, individualized credit accumulation and linguistic growth targets established collaboratively in the pupils individual graduation plan, which must account for the pupil's current English language proficiency level and establish course scheduling that supports language acquisition.*

4. *A pupil who exits English learner status after the individual graduation plan has been agreed upon may still continue their enrollment, provided the pupil meets the expected progress goals on their individual graduation plan and adheres to the written rules of behavior prescribed per NRS 392.463.*
5. *A local education agency may not assign a pupil to an alternative enrollment program for lack of academic progress unless the pupil has failed to meet the goals of their individual graduation plan for one full semester, the pupil's academic team have reconvened to adjust supports, and the pupil has failed to make progress for an additional semester or equivalent term.*

NAC 388.XXX – Extended enrollment disciplinary action

1. *All pupils participating in extended enrollment must adhere to the written rules of behavior per NRS 392.463.*
2. *If a pupil is suspended or expelled during their period of extended enrollment, the suspension or expulsion must be administered pursuant to NRS 392.4601-472.*
3. *As a consequence of such disciplinary action, the local education agency may assign the pupil to an alternative enrollment option, such as an adult high school program, alternative program, or other applicable program.*