

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R145-26

July 22, 2026

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

AUTHORITY: §§ 1-7 and 9-14, NRS 388.405 and 388.4055; § 8, NRS 388.405 and 388.4071.

A REGULATION relating to education; requiring certain teachers to complete a course of professional development in English language acquisition; prescribing requirements for such a course; prescribing methods for determining whether a pupil meets certain definitions; establishing eligibility requirements for extended enrollment in a public high school for pupils who are English learners; prescribing requirements for determining the placement of a pupil who is eligible for participation in extended enrollment; requiring notification of eligibility for extended enrollment to eligible pupils; establishing requirements for an individual graduation plan and for the evaluation of expected academic success; establishing certain requirements relating to the discipline of pupils who participate in extended enrollment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the board of trustees of each school district to ensure that each licensed teacher employed by the school district receives training in English language acquisition. Additionally, existing law requires the Department of Education to develop and provide guidance to each school district concerning the training. (NRS 388.4071) **Section 8** of this regulation establishes such provisions as required by law. Specifically, **section 8** requires the board of trustees of each school district and the governing body of each charter school to ensure that each licensed teacher in its employment completes a course of professional development in English language acquisition. **Section 8** also requires each licensed teacher employed by a school district or charter school to submit proof of the completion of the professional development course in English language acquisition to his or her employer on or before October 1, 2030, as a condition of continued employment. Moreover, **section 8** requires each employing school district and charter school to verify receipt of the proof of completion and maintain a record of such proof while the teacher is employed by the school district or charter school.

Section 8 also prescribes the required components of a professional development course in English language acquisition. Specifically, **section 8** provides that a professional development course in English language acquisition must consist of 6 hours of instruction and explicitly differentiate instructional strategies and topics to address the needs of: (1) pupils who are newcomers to the English language; (2) pupils who are short-term English learners; (3) pupils

who are long-term English learners; and (4) pupils with limited or interrupted education. Finally, **section 8** provides for the exemption of licensed teachers from the professional development course if the teacher holds certain endorsements or submits proof of completion of equivalent course work. **Sections 5-7** of this regulation define the terms “long-term English learner,” “newcomer to the English language” and “short-term English learner” for the purposes of **sections 2-14** of this regulation. **Section 9** provides guidance on determining whether a pupil meets the definition of “newcomer to the English language” and “long-term English learner.”

Existing law provides that it is the intent of the Legislature that children who are English learners be provided with services and instruction designed to address their academic needs so that they attain proficiency in the English language and improve their overall academic and linguistic achievement and proficiency. (NRS 388.405) Existing law also authorizes the Department to adopt regulations necessary to carry out this intention. (NRS 388.4055)

Section 10 provides that, regardless of the definitions of “long-term English learner,” “newcomer to the English language” and “short-term English learner,” a local educational agency may assign pupils to a bilingual program of instruction or a program of instruction that teaches English language acquisition based on the individual linguistic and academic needs of the pupil.

Sections 11-14 prescribe provisions related to the extended enrollment of a pupil who is an English learner in a public high school. **Section 3** defines “extended enrollment.”

Section 11 provides that a pupil is eligible for extended enrollment in a public high school if: (1) the pupil is a newcomer to the English language at the time of his or her first enrollment in a public high school; and (2) at the time that extended enrollment is initiated, the pupil qualifies as an English learner.

Section 12 requires a local educational agency to: (1) place an eligible pupil in a public high school that offers specialized course work in English language acquisition or a program for English learners, when available, or otherwise permit the pupil to remain at his or her current school or be assigned to another public high school within the jurisdiction of the local educational agency; (2) ensure that the placement meets certain requirements and can meet the needs and goals of the pupil established in the individual graduation plan; and (3) if applicable, determine the placement of a pupil with an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 to ensure that the placement meets the needs of the pupil and is the least restrictive environment.

Section 13 requires a public school to notify an eligible pupil and his or her parent or legal guardian in his or her primary language of his or her right to extended enrollment not later than the semester in which an eligible pupil is scheduled to graduate or as soon as it is determined that the pupil will not complete the graduation requirements for a standard diploma. **Section 13** also: (1) requires the school in which a pupil is enrolled for extended enrollment and the pupil to develop an individual graduation plan; (2) prescribes the requirements for an individual graduation plan; and (3) requires a local educational agency to measure expected academic success based on whether the pupil is meeting the goals set forth in the individual graduation plan. Additionally, **section 13** authorizes a pupil who elects to participate in extended enrollment but no longer qualifies as an English learner to continue his or her participation if an individual graduation plan has already been established and the pupil adheres to the written rules of behavior of the school district in which he or she is enrolled. Finally, **section 13** provides that a local educational agency may only assign a pupil who fails to make academic progress during extended enrollment to an alternative enrollment option under certain circumstances.

Section 14 provides that: (1) a pupil who elects to participate in extended enrollment must comply with the discipline standards adopted by the school in which he or she is placed; (2) such a school must administer suspensions and expulsions in accordance with procedures established in existing law; and (3) a local educational agency may assign a pupil who is subject to disciplinary action to an alternative enrollment option.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Extended enrollment” means the continued enrollment of a pupil who is an English learner at a public high school for not more than 10 semesters after the date on which the pupil was scheduled to graduate, or until the pupil reaches 21 years of age, whichever is earlier.*

Sec. 4. *“Local educational agency” has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).*

Sec. 5. *“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 who has not yet achieved English proficiency.*

Sec. 6. *“Newcomer to the English language” means a pupil who is an English learner and has been enrolled in a school in the United States for a total of not more than 20 school months.*

Sec. 7. “Short-term English learner” means a pupil who has been identified as an English learner within the immediately preceding 6 years, is not a newcomer to the English language and has not yet achieved English proficiency.

Sec. 8. 1. The board of trustees of each school district and the governing body of each charter school shall ensure that each licensed teacher employed by the school district or charter school completes a course of professional development in English language acquisition.

2. A professional development course in English language acquisition required by this section must:

(a) Consist of at least 6 hours of instruction, which must include, without limitation:

(1) Not less than 1 hour of instruction concerning the use of an English language proficiency assessment to identify the strengths of pupils and to determine language skills that require explicit instruction;

(2) Not less than 1 hour of instruction concerning the similarities and differences between learning the English language and a primary language and recognizing factors that affect learning acquisition; and

(3) Not less than 2 hours of instruction, in at least one of the following topics, selected based on what is appropriate for the grade level and instructional role of the teacher:

(I) Oral language in an academic setting, which includes, without limitation, establishing routines of academic talk and oracy as a prerequisite for reading and writing;

(II) Scaffolding in writing instruction, which includes, without limitation, implementing targeted support that is temporary to assist pupils who are English learners in managing complex writing tasks and expressing ideas of increasing complexity;

(III) Explicit vocabulary instruction, which includes, without limitation, using vocabulary plans that are multimodal and cognates to build academic language;

(IV) Evidence-based reading with language scaffolds, which includes, without limitation, adapting the science of reading to include explicit instruction in syntax, vocabulary and background knowledge that is tailored to English language acquisition; and

(V) Dual language development, which includes, without limitation, supporting the transfer of the knowledge, skills and structural features of a primary language to comprehend and acquire the English language; and

(b) Explicitly differentiate instructional strategies and topics to address the needs of:

(1) Pupils who are newcomers to the English language;

(2) Pupils who are short-term English learners;

(3) Pupils who are long-term English learners; and

(4) Pupils with limited or interrupted education.

3. The board of trustees of a school district or the governing body of a charter school may substitute the topics of instruction described in subparagraphs (1) and (2) of paragraph (a) of subsection 2 with not less than 6 hours of instruction on the topics described in subparagraph (3) of paragraph (a) of subsection 2 for a licensed teacher who submits proof of the completion of sufficient training on the topics of instruction described in subparagraphs (1) and (2) of paragraph (a) of subsection 2. The school district and charter school shall verify and maintain a record of such proof for each licensed teacher who attends a reconfigured training course pursuant to this section. The record must be kept and made available for inspection by the Department.

4. Except as otherwise provided in this section, each licensed teacher employed by a school district or charter school shall, as a condition of continued employment, submit proof of the completion of the course of professional development in English language acquisition to the employing school district or charter school on or before October 1, 2030.

5. Each school district and charter school shall verify receipt of the proof of the completion of the course of professional development in English language acquisition and maintain a record of such proof of completion while the teacher is employed by the school district or charter school.

6. A licensed teacher is exempt from the requirements of this section if the teacher:

(a) Holds an endorsement to teach English language acquisition and development issued pursuant to NAC 391.237;

(b) Holds an endorsement to teach a program of bilingual education issued pursuant to NAC 391.242; or

(c) Submits proof of completion of equivalent course work to the employing school district or charter school, which shall verify the proof of completion.

7. As used in this section, “hour of instruction” means at least 55 minutes of actual time receiving instruction.

Sec. 9. 1. *For the purposes of determining whether a pupil meets the definition of a newcomer to the English language set forth in section 6 of this regulation, the 20 cumulative school months in which a pupil must be enrolled in a school in the United States must be calculated as follows:*

(a) Any school month in which a pupil is enrolled for at least 1 school day in a public or accredited private school in the United States counts toward the cumulative total; and

(b) The calculation must begin on the first date on which the pupil enrolled in a public or accredited private school in the United States.

2. For the purposes of determining whether a pupil meets the definition of a long-term English learner set forth in section 5 of this regulation, the 6 consecutive years in which a pupil must be classified as an English learner must be calculated as follows:

(a) The counting of the 6 consecutive years must begin on the date on which a pupil is initially identified as an English learner; and

(b) The counting of the 6 consecutive years does not pause for extended absences, international travel or gaps in education enrollment and does not restart if the pupil enrolls in a different school or school district.

Sec. 10. *1. The provisions of sections 5, 6 and 7 of this regulation do not limit the authority of a local educational agency to provide necessary instructional interventions to pupils or assign pupils to a bilingual program of instruction or a program of instruction that teaches English language acquisition based on the individual linguistic and academic needs of the pupil.*

2. A local educational agency may use one or more of the following resources to determine the appropriate program assignment for a pupil:

(a) Scores on an assessment of proficiency in the English language;

(b) Teacher recommendations; and

(c) Other relevant linguistic benchmarks.

Sec. 11. *1. A pupil is eligible for extended enrollment if:*

(a) The pupil is a newcomer to the English language at the time of his or her first enrollment in a public high school; and

(b) At the time that extended enrollment is initiated, the pupil qualifies as an English learner, as defined in NAC 388.610.

2. A local educational agency may not deny a pupil participation in extended enrollment based on the performance of the pupil on the assessment described in subsection 3 of NRS 390.810.

Sec. 12. *1. To determine the placement of an eligible pupil for participation in extended enrollment, a local educational agency shall:*

(a) Place the pupil in a public high school within the jurisdiction of the local educational agency that provides specialized course work in English language acquisition or a program for English learners or, if no such school exists within the jurisdiction of the local educational agency, then the pupil may remain at the public high school in which he or she is currently enrolled. At the discretion of the administration of the public high school in which the pupil is enrolled, the pupil may be assigned to another public high school within the jurisdiction of the local educational agency that does not offer specialized course work or a program for English learners.

(b) Ensure that the placement:

- (1) Has a program that meets the requirements of NAC 388.640;*
- (2) Can provide the pupil with the necessary services and course work to achieve English language proficiency; and*
- (3) Can meet the goals established in an individual graduation plan developed pursuant to subsection 2 of section 13 of this regulation.*

(c) If applicable, determine the placement of a pupil who has an individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973,

29 U.S.C. § 794, through the guidance of the individualized education program team or the team developed to establish a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as applicable, in collaboration with staff responsible for providing English learning services. The placement must meet the individual needs of the pupil and must be the least restrictive environment.

2. As used in this section, “individualized education program team” has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

Sec. 13. *1. A public high school shall notify an eligible pupil and his or her parent or legal guardian in his or her primary language of his or her right to extended enrollment at the school not later than the semester in which an eligible pupil is originally scheduled to graduate from a public high school in this State or as soon as it is determined that the pupil is unable to complete the requirements of NAC 390.440, whichever is earlier.*

2. If an eligible pupil elects to participate in extended enrollment, the public high school in which he or she is enrolled shall develop an individual graduation plan for the pupil and provide the plan to the pupil and his or her parent or legal guardian in his or her primary language.

3. An individual graduation plan developed pursuant to this section must:

(a) Be created in collaboration with the public high school, the eligible pupil and the parent or legal guardian of the pupil;

(b) Account for the current level of English proficiency of the pupil;

(c) Establish targets for individualized credit accumulation and targets for linguistic growth; and

(d) Establish course scheduling that supports English language acquisition.

4. In evaluating the expected academic progress of a pupil who is participating in extended enrollment, a local educational agency shall measure expected academic success based on whether the pupil is meeting the goals set forth in the individual graduation plan developed pursuant to this section.

5. A pupil who elects to participate in extended enrollment and who no longer qualifies as an English learner, as defined by NAC 388.610, may continue his or her participation in extended enrollment if the public high school and pupil have established an individual graduation plan pursuant to this section and the pupil adheres to the written rules of behavior prescribed pursuant to NRS 392.463.

6. A local educational agency may only assign a pupil who fails to make academic progress during extended enrollment to an alternative enrollment option if:

(a) The pupil has failed to meet the goals set forth in the individual graduation plan for one full semester; and

(b) The pupil and academic team have reviewed the individual graduation plan and adjusted their support, and the pupil continues to fail to meet the goals in his or her individual graduation plan for an additional semester or an equivalent term.

Sec. 14. *1. Each pupil who elects to participate in extended enrollment shall comply with any standards concerning discipline adopted by the public high school in which he or she is placed.*

2. If a pupil who elects to participate in extended enrollment is suspended or expelled from the school in which he or she is placed, the public high school must administer the suspension or expulsion pursuant to the procedures set forth in NRS 392.4655 to 392.472, inclusive.

3. *A local educational agency may assign a pupil who is subject to disciplinary action to an alternative enrollment option which may include, but is not limited to, an alternative program of education.*

4. *As used in this section:*

(a) *“Expel” or “expulsion” has the meaning ascribed to it in NRS 392.4603.*

(b) *“Suspend” or “suspension” has the meaning ascribed to it in NRS 392.4607.*