

Joe Lombardo
Governor

Dr. Victor
Wakefield
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

December 4, 2025

Legislative Review of Adopted Regulations as Required by NRS 233B.066

Pertaining to NAC 388.133, 388.281, 388.284, of the Nevada Administrative Code (NAC).

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 388:

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

This proposed regulation will create more inclusive language by updating and clarifying language regarding gifted and talented pupils.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Public comment was solicited through both the regulation 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. A description of how members of the public could provide comment is included in both items.

There was public comment at the workshop and the public hearing.

3. The number of persons who:

- a. Attended Workshop: 1; Hearing: 17
- b. Testified at Workshop: 0 ; Hearing: 0
- c. Submitted Written Statements: Workshop: 0; 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: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Public comment was solicited through both the regulation 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. A description of how members of the public could provide comment is included in both items.

A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov. There was ample opportunity for public comment at both the workshop

on 8/13/25 and hearing on 11/12/25.

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 Nevada State Board of Education adopted the proposed regulation language at the public hearing held on November 12, 2025. No changes were requested, so it was adopted without change.

7. The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:

There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect or immediate or long-term effect on the business that it regulates. There is no adverse or beneficial effect or immediate or long-term effect to 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 the above noted 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, a summary of such provisions.

There are none.

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.

**Nevada Department of Education
Nevada State Board of Education**

**November 12, 2025
9:00 AM**

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Silver Ore
Department of Education	Virtual	Virtual	YouTube Link

Public Notice

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. 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 before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at [Nevada State Board of Education Meeting Material Webpage](#) (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. 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 Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

Agenda

1. Call to Order, Roll Call, Pledge of Allegiance, and Land Acknowledgement

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 the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes. Items agendaized as future agenda requests items are not part of Public Comment #1. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board's jurisdiction, control, or advisory power.

3. Approval of Flexible Agenda (For Possible Action)

4. President's Report

- Board Member Updates

5. Superintendent's Report

- Nevada Department of Education Updates

6. Informational Updates (*Information Only*)

The informational topics listed in this agenda item are solely for informational purposes and do not require formal approval by the State Board of Education. This information is designed to satisfy reporting requirements by districts and charter schools while also conveying current information from the Nevada Department of Education. The item includes updates on operational activities, compliance reports, and educational initiatives, ensuring that all stakeholders remain informed about progress and developments that support state-wide educational excellence.

- Information Regarding 2025 School Designations MRI/CSI/TSI/ATSI

7. Consent Agenda (*For Possible Action*)

Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.

- Possible Approval of Transportation Documents, 2026 School Year
- Possible Approval of Private School Licensing Renewals (*from cancelled September meeting*)
- Possible Approval of Private School Initial License Requests
- Possible Approval of the State Board of Education Meeting Calendar, 2026
- Possible Approval of State Board of Education Meeting Minutes, July 30, 2025
- Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, August 12, 2025
- Possible Approval of State Board of Education Meeting Minutes, August 28, 2025
- Possible Approval of State Board of Education Meeting Minutes, August 29, 2025
- Possible Approval of State Board of Education Meeting Minutes, October 8, 2025
- Possible Approval of State Board of Education: "At-Risk" Subcommittee Meeting Minutes, October 14, 2025
- Possible Approval of State Board of Education: NRS 388G Subcommittee Meeting Minutes, October 15, 2025

8. Information, Discussion, and Possible Action Regarding the Read by Grade 3 Legislation, Task Force Updates, and Designation of the Statewide Literacy Assessment (*Information, Discussion, and Possible Action*)

The Board will receive an update on the current work related to the Read by Grade 3 (RBG3) legislation and the efforts of the Read by Grade 3 Task Force. The presentation will also include a discussion regarding the contract, previously presented to the Board, with Curriculum Associates and the designation of the i-Ready Assessment as a statewide literacy assessment, as outlined in statute. For this portion of the presentation, the Board may take possible action to approve the i-Ready Assessment contract.

- Peter Zutz, Administrator, Office of Assessment, Data Accountability Management
- Mandy Leytham, Education Programs Professional, Read by Grade 3
- Katie Fink, Education Programs Professional, Read by Grade 3
- Lisa Calvert, Education Programs Professional, Read by Grade 3

9. Information, Discussion, and Possible Action Regarding the Review and Reconsideration of the Exit Age Criteria for Students Receiving Special Education Services Under the Developmental Delay (DD) Category *(Information, Discussion, and Possible Action)*

The Board will review and reconsider information and recommendations from the field regarding the exit age criteria for students receiving special education services under the Developmental Delay (DD) eligibility category. The discussion will focus on a proposed revision to extend the current exit age to seven (7) years old.

- Julie Bowers, Director, Office of Comprehensive Student Supports

10. 10:00 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R110-24 Regarding NAC Chapter 388 – Criteria for Assessment of Language and Literacy Skills in Children Under Age 6 Who Are Deaf, Hard of Hearing, Blind, or Visually Impaired *(Information, Discussion, and Possible Action)*

The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation prescribes the criteria for an assessment to evaluate the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind, or visually impaired, and the required qualifications of the persons involved in the administration or interpretation of such an assessment.

- Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

11. 10:01 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R111-24 Regarding NAC Chapter 388 – Criteria for Eligibility for Special Education and Related Services for Pupils with Visual Impairments *(Information, Discussion, and Possible Action)*

The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the definition of "visual impairment" and authorizes a pupil with a visual impairment that doesn't meet the criteria for severe or moderate visual impairment to nonetheless be eligible for special education services if, due to the impairment, the pupil needs them.

- Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

12. 10:03 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R023-25 Regarding NAC Chapter 388 – Revising Eligibility Standards and Service Requirements for Gifted and Talented Pupils *(Information, Discussion, and Possible Action)*

The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 388. This regulation revises the standards for determining the eligibility of pupils for special services and programs for gifted and talented students. Key revisions include eliminating the requirement for certain tests to be individually administered and changing the minimum amount of differentiated educational activities from 150 minutes each week to 600 minutes each month.

- Julie Bowers, Education Programs Director, Office of Comprehensive Student Services

13. 10:04 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R094-24 Regarding NAC Chapter 389 – Replacing AdvancED with Cognia for Educational Accreditation References *(Information, Discussion, and Possible Action)*

The purpose of the hearing is to receive comments from all interested persons regarding the repeal of language in Nevada Administrative Code (NAC) Chapter 389. This regulation updates references from AdvancED to Cognia as an authorized organization that provides accreditation to secondary educational institutions and private elementary and secondary institutions, reflecting AdvancED's 2018 merger with Measured Progress to form Cognia.

- Lisa Ford, Interim Deputy Superintendent of Student Achievement Division

- 14. 10:05 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R196-24 Regarding NAC Chapter 388 – Repealing Provisions Approving Certain Assessments for Reading Proficiency** *(Information, Discussion, and Possible Action)*
- The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388. This regulation repeals provisions in NAC concerning the assessments approved by the State Board for assessing a pupil's proficiency in reading. This action conforms to changes made by Senate Bill No. 460 (2025), which removed the requirement for the State Board to approve such assessments, thereby allowing school districts or charter schools to use any valid and reliable standards-based assessment.
- Lisa Ford, Interim Deputy Superintendent of Student Achievement Division
- 15. 10:06 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R137-23 Regarding NAC 391A.300 – Standards for Professional Development Training for Teachers and Administrators** *(Information, Discussion, and Possible Action)*
- The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 391A.300 of the Nevada Administrative Code (NAC), pursuant to NRS 391A.370, regarding the standards for professional development training provided to teachers and administrators employed by a school district or charter school.
- Jeff Briske, Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)
- 16. 10:07 a.m. Public Hearing to Solicit Comments Regarding the Possible Action of Proposed Regulation LCB File No. R050-24 Regarding NAC Chapter 389 – Plan and Requirements for Placement of Pupils in More Rigorous Courses** *(Information, Discussion, and Possible Action)*
- The purpose of the hearing is to receive comments from all interested persons regarding the development of language in Nevada Administrative Code (NAC) Chapter 389. This regulation develops the framework and requirements for the plan and placement of students in more rigorous courses in core academic subjects (mathematics, English language arts, science, and social studies) for pupils in grades 3 through 12. It also requires an annual report on subjects where more rigorous courses could not be established due to insufficient financial resources.
- Lisa Ford, Interim Deputy Superintendent of Student Achievement Division
- 17. Information and Discussion regarding the Nevada Educator Performance Framework (NEPF) 2023-2024 Summative Evaluation and Monitoring for Continuous Improvement Data Review** *(Information and Discussion)*
- Information, and discussion regarding the annual presentation on statewide Nevada Educator Performance Framework (NEPF) ratings, Monitoring for Continuous Improvement (MCI) data, and an update on the NEPF Redesign Field Study.
- Kathryn Hoyt, Assistant Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)
- 18. Information and Discussion Regarding the Statutes and Regulations Governing Educator Licensure, Including the State Board of Education's Roll in Suspension or Revocation of a License.** *(Information and Discussion)*
- The Board will receive an informational presentation outlining the statutes and regulations that establish the State Board of Education's authority and responsibilities concerning educator licensure. The presentation will include an overview of the Board's role in the review, sanction, suspension, and revocation of educator licenses, as well as the authority of parties to submit a recommendation for suspension or revocation of a license.
- Greg Ott, Chief Deputy Attorney General
 - Jeff Briske, Director, Office of Education Development, Licensure, and Parental Involvement and

19. Public Comment #2

Public comment will be taken during this agenda item on any matter within the State Board's jurisdiction, control, or advisory power. No action may be taken on a matter raised under this item until the matter is included on the agenda as an item on which action may be taken. The President of the State Board of Education will impose a time limit of three minutes.

20. Future Agenda Items Requests

21. Adjournment

Joe Lombardo
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Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



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2080 E. Flamingo Rd, Ste. 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA NEVADA DEPARTMENT OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R023-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **10:03AM on Wednesday, November 12, 2025**, available to stream online via [YouTube](https://www.youtube.com) 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 repeal of language in Nevada Administrative Code (NAC) Chapter 388.

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:** NRS 388.5267 states that *"the State Board shall prescribe minimum standards for the special education of gifted and talented pupils"*.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation revises the standards for determining the eligibility of pupils for special services and programs of instruction for gifted and talented students.
- 3. How to obtain a copy of the proposed regulatory language:** A copy of the language is attached to this notice.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No economic effects anticipated.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses are not impacted by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
- 7. Description and citation of duplicative or overlapping regulations of other state or local government agencies:** No duplicative or overlapping regulations.
- 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. 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. 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.

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

Public Workshop

August 13, 2025

2:00 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	Silver Ore Conference Room
Department of Education	Virtual	Virtual	YouTube Link

PUBLIC NOTICE

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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 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. 2:00 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.XXX - To Identify Certain Environmental and Social Factors Impacting Student's Educational Experience *(For possible action)*

The proposed changes seek to clarify language.

- Christy McGill, Deputy Superintendent, Office of Educator Effectiveness and Family Engagement

4. 2:02 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 391A.300 - To Prescribe Professional Development Training Standards for Teachers and Administrators *(For possible action)*

The proposed changes seek to clarify language.

- Jeff Briske, Director, Office of Educator Effectiveness and Family Engagement

5. 2:04 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.460 – 388.488 - To Remove Language Tied to Program for Persons With Disabilities With Unique Needs Already Removed in Statute *(For possible action)*

The proposed changes seek to remove language already repealed in statute.

- Julie Bowers, Director, Office of Comprehensive Student Services

6. 2:06 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED AMENDMENTS TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.435- To Clarify and Update Language Regarding Gifted and Talented Pupils *(For possible action)*

The proposed changes seek to update language.

- Lara O'Mara, Education Programs Professional, Office of Comprehensive Student Services

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

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA STATE BOARD OF EDUCATION

700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, August 13, 2025** via [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 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:

2:06 PM Workshop to Solicit Comments on Proposed Amendments to NAC 388.435 – To Update and Clarify the Eligibility Requirements for a Pupil who is Gifted and Talented

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meetings Material Page](#), by contacting the Nevada Department of Education, via email at NVBoardED@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardED@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Silver Ore Conference Room, Carson City and 2080 East Flamingo Road, Suite 114, Las Vegas, Nevada.** Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Tuesday, August 12, 2025.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education 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 and/or mailed to members of the public upon request.