

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public
Instruction



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STATE OF NEVADA NEVADA DEPARTMENT OF EDUCATION

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Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R077-25, Adopted by the Nevada State Board of Education
The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC)
Chapter 387, 388, and 389:

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

The Department identified the need to regulate the expansion of personalized, competency-based learning in Nevada to ensure rigorous and high-quality programming while allowing for innovation, developed with school districts and charter schools through the Calendar, Credit, and Instructional Time Collaborative.

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

Public comment was solicited through both the regulatory 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. These notices were then circulated through the Department's mailing list, forwarded by programmatic leads to subject matter experts across the State, as applicable, and posted with State Library and Archives and within the Department of Education in both Las Vegas and Carson City. A description of how members of the public could provide public comments was included in both items, and at least two periods of public comment were made available during the course of the meetings. The public response may be summarized as no persons provided testimony. A copy of the summary may be obtained by contacting Amelia Thibault at acthibault@doe.nv.gov. Minutes of the public hearing and/or workshop may be obtained by visiting <https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings>.

3. The number of persons who:

- Attended Workshop (2) and Hearing (4)
- Testified at Workshop (0) and Hearing (0)
- Submitted Written Statements for Workshop (0) and 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, the name, telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented.

No public comment was provided specific to R077-25 at the time of the hearing or workshop.

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

summary.

This regulation regulates public education and does not have authority over private industry or small businesses. No impact on small businesses and/or private industry was identified. A small business impact letter was drafted and published along with the regulatory workshop agenda and notice 15 days prior to the workshop. There is no summary as no responses were received, and minutes are available at <https://doe.nv.gov/boards-commissions-councils/regulation-workshops-and-public-hearings>.

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 State Board of Education adopted the proposed regulation at the public hearing held on April 22, 2026. No changes were required as engagements prior to the hearing (i.e., public comment, amendments, etc.) supported a quality end product requiring no further revisions.

7. The estimated economic effect of the adopted regulation on the business which it regulates and/or on the public. These must be stated separately and, in each case, include both adverse and beneficial effects, and both immediate and long-term effects.

There will be no economic effect of the regulation on the business it regulates. There is no estimated economic effect on the public. There is no adverse or beneficial effect nor immediate or long-term effect on the business that it regulates nor 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 this 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, and a summary of such provisions.

There are none specific to this provision.

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.

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.

**STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
3:00 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	Board Room
Department of Education	Virtual	Virtual	YouTube Livestream

PUBLIC NOTICE

*A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each Hearing specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to acthibault@doe.nv.gov **no later than Friday, April 17**. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting. Please contact Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials](#) page under the meeting date referenced above or by contacting Amelia Thibault via email at acthibault@doe.nv.gov. This public 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 Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.*

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 agenda as an item on which 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. 3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (For possible action)

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. 3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY (For possible action)

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. 3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).

- Lisa Ford, Chief Strategy Officer, Nevada Department of Education

6. 3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.

- Sarah Russell, Education Programs Professional, Office of Student and School Supports
- Nicci Miller, Education Programs Supervisor, Office of Student and School Supports

7. 3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.

- Andrew Snyder, Education Programs Supervisor, Office of Teaching and Learning

8. 3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).

- Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. 3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.

- Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. 3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.

- Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

12. 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.

13. ADJOURNMENT

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R077-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:07 PM on Wednesday, April 22, 2026**, available to stream online via [YouTube](#) 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 revision of language in Nevada Administrative Code (NAC) Chapter 387 and 389.

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:** AB110 (2017) established pilot programs for competency-based education which have since expanded across the State; upon scaled growth, additional regulating measures were identified as necessary to support such programs.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation establishes a program of personalized, competency-based education which may be adopted by schools and districts for the delivery of such education to students with necessary measures for flexibility and accountability.
- 3. How to obtain a copy of the proposed regulatory language:** Attached to this posting and posted on the NDE website.
- 4. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** No anticipated economic effect.
- 5. Methods used by the agency in determining the impact on small businesses:** This regulation relates to public education and will not have an impact on small businesses.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** No costs are identified with the implementation of this regulation beyond previously allocated amounts.
- 7. Description and citation of duplicative or overlapping regulations of other state or local government agencies:** None.
- 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
REGULATIONS WORKSHOP AGENDA
OCTOBER 20, 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	Board Room
Department of Education	Virtual	Virtual	YouTube Livestream

PUBLIC NOTICE

A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each workshop specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. 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 Workshop. The Department reserves the right to call on individuals from the audience or to allow for testimony at any time. All individuals providing testimony must fill out a visitor card. 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 Castellano at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials](#) page under the meeting date referenced above or by contacting Angie Castellano via email at NVBoardEd@doe.nv.gov. This public 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 Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. CALL TO ORDER

2. PUBLIC COMMENT #1

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3. 9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388 REGARDING MODEL PLANS TO RESPOND TO CRISIS, EMERGENCY, OR SUICIDE. (For possible action)

The proposed changes seek to provide guidance on the development of model plans for the management of crisis, emergency, or suicide.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. 9:01 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF VULNERABLE AND HISTORICALLY UNDERSERVED POPULATIONS FOR EARLY CHILDHOOD FUNDING (For possible action)

The proposed changes seek to define vulnerable and historically underserved populations for the purposes of funding under Nevada Ready! PreK and Early Childhood Literacy and Readiness programs.

- Michael Mitchell, Director, Office of Early Learning and Development

- 5. 9:02 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING PRIVATE SCHOOLS AND SCHOLARSHIP GRANTING ORGANIZATIONS. *(For possible action)***
The proposed changes relate to private schools and scholarship granting organizations participating in the Nevada Educational Choice Scholarship program.
- Nicci Miller, Education Programs Supervisor, Office of Student and School Assessments
- 6. 9:03 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388D REGARDING ASSESSMENTS *(For possible action)***
The proposed changes relate to assessments that must be administered to students in private schools receiving public funding under the Nevada Educational Choice Scholarship.
- Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
 - Mike Pacheco, Education Programs Supervisor
- 7. 9:04 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 390 REGARDING ASSESSMENTS *(For possible action)***
The proposed changes relate to the time used for administering and preparing for assessments.
- Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
 - Mike Pacheco, Education Programs Supervisor
- 8. 9:05 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS AND INSTRUCTIONAL TIME *(For possible action)***
The proposed changes relate to school calendars and instructional time.
- Amelia Thibault, Director, Office of Division Compliance
- 9. 9:06 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY-BASED EDUCATION *(For possible action)***
The proposed changes relate to programs of personalized, competency-based education.
- Amelia Thibault, Director, Office of Division Compliance
- 10. 9:07 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, AND NAC 389 REGARDING PROGRAMS OF SCHOOL INNOVATION *(For possible action)***
The proposed changes relate to programs of school innovation.
- Amelia Thibault, Director, Office of Division Compliance
- 11. 9:08 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 387, NAC 388, NAC 389, AND NAC 390 REGARDING CLEANUP, ALIGNMENT, AND CLARITY *(For possible action)***
The proposed changes relate to ensuring alignment, clarity across regulatory language and processes.
- Amelia Thibault, Director, Office of Division Compliance
- 12. 9:09 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING PETITIONS TO ELIMINATE STATUTORY AND REGULATORY REPORTS *(For possible action)***
The proposed changes relate to petitions to eliminate statutory and regulatory reports.
- Amelia Thibault, Director, Office of Division Compliance
- 13. 9:10 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NAC 388 REGARDING OPEN ENROLLMENT AND TRANSPORTATION SERVICES UNDER OPEN**

ENROLLMENT *(For possible action)*

The proposed changes relate to systems of open enrollment and transportation services under systems of open enrollment.

- Amelia Thibault, Director, Office of Division Compliance

14. 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.

15. ADJOURNMENT

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



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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 2025**, available to stream online via [YouTube](#) 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:06 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX, 388.XXX, and 389.XXX regarding programs of personalized, competency-based education.

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 leading up to and for the duration of the workshop.

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.