

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 R131-22, Adopted by the Nevada State Board of Education
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:

Senate Bill 210 (2021) amended NRS 432B regarding the placement of children in the custody of a public agency in a residential treatment center; this regulation clarifies requirements regarding educational services and the continuity of services for such students.

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 can be summarized as follows:

- July 30, 2025, Hearing: Opposition to the regulation regarding district responsibilities for students with disabilities while students are enrolled in a private treatment facility from Washoe County School District.
- December 10, 2025, Hearing: Opposition that the regulation is not sufficiently stringent to require accountability from schools from Sunarch Academy. Support for the regulation in addition to recommendations for implementation and further work from the Governor's Council on Developmental Disabilities. Opposition to the regulation regarding district responsibilities for students while students are enrolled in a private treatment facility from Washoe County School District.
- January 27, 2026, Workshop: Opposition regarding district responsibilities for students while students are enrolled in a private treatment facility from Washoe County School District.
- June 24, 2026, Hearing: Opposition regarding district responsibilities for students while students are enrolled in a private treatment facility from Washoe County School District, Clark County School District, and the Nevada Association of School Superintendents.

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:

- a. Attended:
 - i. September 30, 2021, Workshop: (0)
 - ii. January 27, 2026, Workshop: (2)
 - iii. July 31, 2024, Hearing: (4)
 - iv. July 30, 2025, Hearing: (4)
 - v. December 10, 2025, Hearing: (17); and
 - vi. June 24, 2026, Hearing: (3)
- b. Testified at
 - i. September 30, 2021, Workshop: (0);
 - ii. January 27, 2026, Workshop: (0);
 - iii. July 31, 2024, Hearing: (0);
 - iv. July 30, 2025, Hearing: (0);
 - v. December 10, 2025, Hearing: (2); and
 - vi. June 24, 2026, Hearing: (2)
- c. Submitted Written Statements for
 - i. September 30, 2021, Workshop: (0);
 - ii. January 27, 2026, Workshop: (1);
 - iii. July 31, 2024, Hearing: (0);
 - iv. July 30, 2025, Hearing: (1);
 - v. December 10, 2025, Hearing: (1); and
 - vi. June 24, 2026, Hearing: (1)

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.

January 27, 2026, Workshop:

- Desiree Mandeville, Washoe County School District, dmandeville@washoeschools.net

July 30, 2025, Hearing:

- Andrea Schulewitch, Washoe County School District, andrea.schulewitch@washoeschools.net

December 10, 2025, Hearing:

- Sam Bogoff, Sunarch Academy, sbogoff@sunarchacademy.com
- Anne Marie Binder, Governor's Council on Developmental Disabilities, binder4nevada@gmail.com
- Jennifer Van Tress, Washoe County School District, jvantress@washoeschools.net

June 24, 2026, Hearing:

- Desiree Mandeville, Washoe County School District, dmandeville@washoeschools.net
- Andrew Feuling, Nevada Association of School Superintendents, afeuling@carson.k12.nv.us
- Ana Adkins, Clark County School District, adkinak@nv.ccsd.net

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.

R131-22 went through multiple rounds of revision in collaboration with impacted public agencies, treatment centers, and school districts. However, opposition remained upon passage of this regulation from the State Board for R131-22 RP3. Summarized below are the primary points of opposition and the reasoning for passage without amendment specific to RP3:

- Opposition regarding responsibility and burden on districts for students with individual education plans
 - Response: Several points of opposition relate to provisions for a free and public education (FAPE) under federal law; the Board does not have the authority to waive federal FAPE requirements and maintained regulatory language in alignment with FAPE.
- Opposition regarding responsibility and burden on districts
 - Response: The provisions in NRS 432B are burdensome, but the regulation must adhere to the requirements and guardrails inherent in the statute. After multiple rounds of revision, and a caseload analysis (only 14 pupils statewide fell under these provisions in SY25-26, 6 of which had an IEP) it was determined that a resolution which serves this population, complies with the law, and reduces the burden on districts is not presently possible under current circumstances. However, as these provisions are implemented, the Board and Department strive to continue to monitor implementation, improve systems, and revise provisions.

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
REGULATION HEARING AGENDA
JUNE 24, 2026
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

*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, 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. 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 related to a regulation hearing**, please submit your statement to NVBoardEd@doe.nv.gov **no later than Friday, June 19**. If you are unable to attend but would like to provide a written statement for public comment related to all other items on the agenda, please submit your statement before the conclusion of the meeting to NVBoardEd@doe.nv.gov. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time. 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 State Board of Education [Meeting Materials](#) page under the meeting date referenced above or by contacting Lisa Ford at 2080 E. Flamingo Rd, Ste 220, Las Vegas, NV 89119, by phone at 702-486-6561, or 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 the State Board 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 Board will impose a time limit of three minutes. Please hold comments specific to a given hearing until public comment is called upon for that hearing specifically.

3. 9:00 AM REGULATION HEARING FOR R018-26 ON PROPOSED CHANGES TO NAC 388D REGARDING REPORTING REQUIREMENTS FOR SCHOLARSHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM (For possible action)

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R018-26. This regulation repeals regulatory language that was removed directly into statute by SB460 and creates a uniform method and data standards for student-level reporting.

- Anna Reynolds, Director, Office of Career Readiness, Adult Learning, and Education Options
- Ingrid Cepeda, Education Programs Supervisor

4. 9:01 AM REGULATION HEARING FOR R085-25 ON PROPOSED CHANGES TO NAC 388D REGARDING EXPANDED ACCOUNTABILITY AND STUDENT ASSESSMENT PROVISIONS FOR PRIVATE SCHOOLS RECEIVING FUNDS UNDER THE NEVADA EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388D per R085-26. This regulation aligns private school assessment requirements with state and federal public school assessment requirements per SB460 (2025) provisions.

- Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management
- Mike Pacheco, Education Programs Supervisor

5. 9:02 AM REGULATION HEARING FOR R020-26 ON PROPOSED CHANGES TO NAC 389 REGARDING UPDATES TO 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. This regulation adds provisions to the uniform grading scale regarding dual credit coursework.

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

6. 9:03 AM REGULATION HEARING FOR R131-22 ON PROPOSED CHANGES TO NAC 388 REGARDING RESIDENTIAL TREATMENT FACILITIES PROVIDING TREATMENT AND/OR EDUCATIONAL SERVICES TO PUBLIC SCHOOL STUDENTS *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R131-22. This regulation establishes procedures regarding the placement and care of K-12 students, particularly those in the custody of a public agency, into psychiatric hospital / residential treatment facilities. This regulation also outlines the duties of the hospital / facility and the local education agency as it relates to transition supports for students.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
- Julie Bowers, Director, 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 State Board. 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 Board will impose a time limit of three minutes.

8. ADJOURNMENT

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R131-22 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **9:34 AM on Wednesday, June 24, 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 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:** SB210 (2021) amended language regarding residential treatment facilities providing treatment and/or educational services to public school students. While subsequent legislation has been passed, this regulation still largely addresses the provisions under SB210.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation establishes procedures regarding the placement and care of K-12 students, particularly those in the custody of a public agency, into psychiatric hospitals / residential treatment facilities. This regulation also outlines the duties of the hospital/facility and the local education agency as it relates to transition supports for 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:** Noncompliance with the regulation may impact a facilities' eligibility for reimbursement for the provision of educational services.
- 5. Methods used by the agency in determining the impact on small businesses:** Small businesses are not affected by this regulation.
- 6. The estimated cost to the agency for enforcement of the proposed regulation:** 0.5 FTE has been allocated to this work within existing capacity.
- 7. Description and citation of duplicative or overlapping regulations of other state or local government agencies:** Aligns with existing statute and regulation.

8. Whether the regulation is required by federal law: No.

9. Whether the regulation is more stringent than federal regulations regarding the same activity: Not applicable.

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
JANUARY 27, 2026
1:30 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 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 – REVISED JANUARY 20, 2026

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. 1:31 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER (For possible action)

The Education Service Center was created by Senate Bill 460 (2025) to manage and provide support programs for local school districts and charter schools. The proposed regulations will define how the Center operates by setting specific requirements for its Board of Directors, establishing the qualifications and hiring process for the Executive Director, setting fiscal oversight rules requiring Board approval for contracts of \$50,000 or more, and ensuring public accountability through a website and annual reports to state leadership regarding the Center's activities and funding.

- Dr. Steve Canavero, Executive Director, Nevada Education Service Center

4. 1:32 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388G REGARDING THE ORGANIZATION OF LARGE SCHOOL DISTRICTS (For possible action)

To comply with changes to NRS 388G within Senate Bill 460 (2025), this regulation seeks to remove regulatory language that no longer has a statutory basis as it relates to the organization of large school districts, to include the Clark County School District.

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

5. 1:33 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING CHILDREN PLACED IN RESIDENTIAL TREATMENT FACILITIES *(For possible action)*

Regulation R131-22 relates to requirements in effect for the placement of children in residential treatment centers for psychiatric care, particularly those in the custody of child welfare services. This regulation defines terminology, establishes provisions regarding student individualized education plans, and actions necessary for treatment centers to be eligible for reimbursement.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment
- Candace Bortolin, Program Officer, Office for a Safe and Respectful Learning Environment

6. 1:34 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388D REGARDING SCHOLARSHIP GRANTING ORGANIZATIONS AND PRIVATE SCHOOLS *(For possible action)*

Senate Bill 460 (2025) revised and introduced various accountability provisions related to scholarship-granting organizations and private schools; the proposed regulations create conforming changes to NAC, to include removing duplicated provisions and introducing provisions regarding reporting requirements.

- Nicci Miller, Education Programs Supervisor, Office for Student and School Supports
- Andrew Morgan, Education Programs Professional, Office for Student and School Supports

7. 1:35 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING DEFINITIONS FOR ENGLISH LEARNERS *(For possible action)*

Responsive to changes in Assembly Bill 335 (2025), this regulation seeks to define specific terms related to English learners for the purposes of state accountability reporting.

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

8. 1:36 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 388 REGARDING THE ENGLISH LANGUAGE PROFICIENCY ASSESSMENT *(For possible action)*

The English Language Proficiency Assessment, or WIDA exam, regularly updates its cut scores for proficiency assessment; the proposed regulation seeks to conform regulatory authority so that the Department may responsively issue updates for statewide proficiency cut scores in Nevada.

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

9. 1:37 P.M. REGULATION WORKSHOP ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE *(For possible action)*

The proposed regulation makes conforming changes to the uniform grading scale responsive to dual credit courses and removes outdated references to the 2014-15 school year.

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

10. 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.

11. ADJOURNMENT

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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 **Tuesday, January 27, 2026**, 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 workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

1:33 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX regarding children admitted to residential treatment facilities.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](https://www.doe.nv.gov), 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.