Regulations Submitted
Pursuant to NRS 233B.067

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

APRIL 28, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2024 REGULATIONS		
R066-24	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing provisions relating to provisional licenses (AB 428, 2023) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R088-24	**483**	**DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES** A REGULATION establishing provisions relating to commercial driver's licenses (SB 66, 2023) **CONTACT Martin Hefner (775) 684-4773** **mhefner@dmv.nv.gov**
R182-24	**704**	**PUBLIC UTILITIES COMMISSION OF NEVADA** A REGULATION establishing provisions relating to alternative ratemaking **CONTACT Samuel Crano (775) 684-6151** **scrano@puc.nv.gov**
R185-24	**608**	**LABOR COMMISSIONER** A REGULATION revising provisions relating to employment and minimum wage **CONTACT Malia Tatom (702) 486-2650** **mtatom@labor.nv.gov**
R202-24	**703/704**	**PUBLIC UTILITIES COMMISSION OF NEVADA** A REGULATION revising provisions relating to gas utilities (SB 281, 2023) **CONTACT Sai Swamy (775) 684-6101** **sswamy@puc.nv.gov**
2025 REGULATIONS		
R027-25	**534**	**STATE ENGINEER** A REGULATION revising provisions relating to well-drilling licenses **CONTACT Cathy Erskine (775) 684-2705** **c.erskine@dcnr.nv.gov**

R032-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to business and industry endorsements and automotive service technology endorsements **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R033-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to programs of bilingual instruction **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R034-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising various provisions relating to endorsements **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R035-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing program areas for which business and industry endorsements may be issued **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R038-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION repealing various provisions relating to education personnel **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R040-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to endorsements in adaptive physical education **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R046-25	**624**	**STATE CONTRACTORS' BOARD** A REGULATION establishing provisions relating to licenses by endorsement and provisional licenses (AB 540, 2025) **CONTACT Kenya McCampbell (702) 486-1111** **kmccampbell@nscb.state.nv.us**

R047-25	**624**	**STATE CONTRACTORS' BOARD** A REGULATION revising provisions relating to the denial of a license (SB 16, 2025) **CONTACT Kenya McCampbell (702) 486-1111** **kmccampbell@nscb.state.nv.us**
R048-25	**624**	**STATE CONTRACTORS' BOARD** A REGULATION establishing provisions relating to distributed generation systems (SB 379, 2025) **CONTACT Kenya McCampbell (702) 486-1111** **kmccampbell@nscb.state.nv.us**
R050-25	**513**	**COMMISSION ON MINERAL RESOURCES** A REGULATION revising provisions relating to confidentiality and reporting **CONTACT Rob Ghiglieri (775) 684-7048** **rghiglieri@minerals.nv.gov**
R067-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to licensure **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R068-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to the voluntary surrender of a license **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R078-25	**387**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to school calendars **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R080-25	**388**	**DEPARTMENT OF EDUCATION** A REGULATION establishing provisions relating to petitions **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R081-25	**289**	**PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION** A REGULATION revising provisions relating to requirements to maintain a basic certificate or a reserve certificate **CONTACT Kathy Floyd (775) 687-3335** **kfloyd@post.state.nv.us**

R083-25	**387**	**STATE BOARD OF EDUCATION** A REGULATION establishing provisions relating to vulnerable and historically underserved populations (SB 460, 2025) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R084-25	**391A**	**SUPERINTENDENT OF PUBLIC INSTRUCTION** A REGULATION establishing provisions relating to the Education Service Center (SB 460, 2025) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R086-25	**390**	**DEPARTMENT OF EDUCATION** A REGULATION establishing provisions relating to time spent on assessments and examinations **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R098-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to competency tests **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R100-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to alternative provisional licenses **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R102-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to occupational therapists and physical therapists in schools **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R107-25	**453**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to Schedule I drugs **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**

2026 REGULATIONS		
R021-26	**644A**	**STATE BOARD OF COSMETOLOGY** A REGULATION revising various provisions relating to the practice of cosmetology **CONTACT Janie Huggins (702) 850-2423** **janie@nvcosmo.com**

2024

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

APRIL 28, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2024 REGULATIONS		
R066-24	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing provisions relating to provisional licenses (AB 428, 2023) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R088-24	**483**	**DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES** A REGULATION establishing provisions relating to commercial driver's licenses (SB 66, 2023) **CONTACT Martin Hefner (775) 684-4773** **mhefner@dmv.nv.gov**
R182-24	**704**	**PUBLIC UTILITIES COMMISSION OF NEVADA** A REGULATION establishing provisions relating to alternative ratemaking **CONTACT Samuel Crano (775) 684-6151** **scrano@puc.nv.gov**
R185-24	**608**	**LABOR COMMISSIONER** A REGULATION revising provisions relating to employment and minimum wage **CONTACT Malia Tatom (702) 486-2650** **mtatom@labor.nv.gov**
R202-24	**703/704**	**PUBLIC UTILITIES COMMISSION OF NEVADA** A REGULATION revising provisions relating to gas utilities (SB 281, 2023) **CONTACT Sai Swamy (775) 684-6101** **sswamy@puc.nv.gov**

ADOPTED REGULATION OF THE

COMMISSION ON PROFESSIONAL STANDARDS IN

EDUCATION

LCB File No. R066-24

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

AUTHORITY: § 1, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing law also requires the Commission to adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach to an applicant who meets certain requirements and: (1) has graduated with a bachelor's degree or higher but is awaiting conferment of the degree; or (2) satisfies the requirements for conditional licensure through an alternative route to licensure. (NRS 391.032)

This regulation requires the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who meets certain requirements and: (1) graduated with a bachelor's degree or higher and is awaiting conferment of the degree or meets the requirements for conditional licensure through an alternative route to licensure; and (2) has paid the appropriate application fee. This regulation also: (1) authorizes the holder of such a provisional license to teach in a public school in this State; and (2) provides that the provisional license is valid for 3 years after issuance and is not renewable. This regulation additionally provides that the provisional license may be converted to a renewable license to teach if the holder submits to the Department of Education an official transcript that contains certain required information. Under this regulation: (1) the license remains valid until its expiration date; and (2) a person whose provisional license with a transcript provision has expired is authorized to apply for a renewable license if the person submits, along with his or her application, an official transcript containing certain required information.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Superintendent of Public Instruction shall issue a provisional license with a transcript provision to an applicant who:

(a) Submits an application on a form prescribed by the Department which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant meets the requirements prescribed by subsection 3 of NRS 391.032; and

(b) Pays the fee required by NAC 391.045.

2. A provisional license issued pursuant to this section:

(a) Authorizes the holder of the license to teach in a county school district, a charter school or a university school for profoundly gifted pupils;

(b) Is valid for 3 years after the date on which the license is issued; and

(c) Is not renewable.

3. A provisional license issued pursuant to this section may be converted to a renewable license issued pursuant to NAC 391.045 if, before the provisional license expires, the licensee submits to the Department, using a method prescribed by the Department, an official transcript which indicates that the licensee has:

(a) Received a diploma conferring a bachelor's degree or a higher degree; and

(b) Completed all academic requirements prescribed by this chapter for the issuance of a renewable license.

4. A person whose provisional license with a transcript provision has expired may apply for a renewable license pursuant to NAC 391.045 if he or she submits with the application an official transcript which indicates that the person has:

(a) Received a diploma conferring a bachelor's degree or a higher degree; and

(b) Completed all academic requirements prescribed by this chapter for the issuance of the renewable license.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R066-24, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**5**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R066-24 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on January 15, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

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 OF 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

December 12, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R066-24

The Commission on Professional Standards in Education will hold a public hearing **at 9:10 A.M.** on **Thursday, January 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.XXX of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019 and 391.032.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

   NRS 391.032, the Commission on Professional Standards in Education shall adopt regulations:
    - *Providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, January 9, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, October 22, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - August 20, 2025

6. **Praxis Exams – Competency Exam Adoptions.** ***(Information/Discussion/For possible action).*** The Commission will consider adopting the Praxis Bridge option for additional current exams and a new Special Education exam for the Severe to Profound Intellectual Disability endorsement. The Commission may adopt or not adopt the new Special Education exam and the Praxis Bridge option for additional exams.
    - Jeff Briske, Director, Educator Development, Licensure, and Family Engagement (EDLiFE)

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.252. This regulation will comply with Senate Bill 175 by allowing a provisional endorsement to be issued. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to R035-25 NAC Chapter 391.420 _Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.420. This regulation will delineate specific areas for Ethnic music and Ethnic dance endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to R032-25, NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: qualifications; provisional endorsement; credit toward renewal of license.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036, 391.425, and 391.13065. This regulation will ensure that work experience is in a business or industry, repeals the automotive service technician endorsement, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments to R033-25, NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of a person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsement to teach program of bilingual education; provisional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.055, 391.059, and 391.242. This regulation will ensure that the holder of this endorsement will have a valid teaching license and pass an examination before the endorsement can be issued. This regulation will also ensure that a person must hold this endorsement to be in a bilingual assignment, repeals NAC 391.059, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to R034-25, NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.229, 391.237, 391.323, and 391.420. This regulation will conform language across these endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to R066-24, NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow a provisional license to be issued pending an official transcript aligning this provisional endorsement with other provisional endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to R040-25, NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.367 creating another pathway for a candidate from out of state. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program.** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 81 and Assembly Bill 49 creating a pathway for already licensed educators to obtain a school or program administrator endorsement.

15. **Endorsement to Teach Music, Art, Physical Education, and Physical Education & Health** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 400 requiring a person who is working in an elementary art, music, physical education, physical education & health assignment and working in a district with more than 200,000 pupils or an elementary with over 500 pupils to hold an endorsement in art, music, physical education and/or physical education & health.

16. **Voluntary surrender and reinstatement of license or endorsement** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.063. The intent of this regulation is to remove the notarized statement requirement when requesting to surrender a license or endorsement.

17. **Employment without a license or endorsement *(Information/Discussion).*** The Commission will consider a regulation to comply with Assembly Bill 49 allowing a public school to hire a teacher who has a valid renewable teaching license in another state and is pending Nevada educator licensure. This regulation will also allow a public school to hire a school nurse and/or social worker if they already have a Nevada Board License pending their Nevada educator licensure.

18. **Future Agenda Items**
    - Counseling regulation updates
    - Workshops and Public Hearings

19. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of
Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, October 22, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:05 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, October 17, 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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 6, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.

I, Steve Canavero, being the duly appointed Interim Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Steve Canavero
Interim Superintendent of Public Instruction

ADOPTED REGULATION OF THE

DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES

LCB File No. R088-24

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

AUTHORITY: §§ 1, 2 and 6-20, NRS 483.908 and 483.912; §§ 3 and 4, NRS 481.051, 483.495 and 483.908; § 5, NRS 483.908 and 483.924; § 21, NRS 481.051, 483.220 and 483.495; § 22, NRS 483.220, 483.495 and 483.908; §§ 23-33, NRS 483.908.

A REGULATION relating to motor vehicles; providing for the downgrade by removal and reinstatement of the privilege to operate a commercial motor vehicle of the holder of a commercial driver's license or commercial learner's permit under certain circumstances; providing for the permanent revocation or suspension of the commercial driver's license or commercial learner's permit of a person convicted of certain criminal offenses; revising provisions governing the registration, operation and monitoring of third-party certifiers, third-party companies and third-party schools that provide commercial motor vehicle skills testing; revising provisions governing persons who act or request to act as the responsible party for a third-party company or third-party school; authorizing the waiver of certain tests when reinstating the privilege to operate a commercial motor vehicle; revising certain requirements for applicants for and holders of commercial driver's licenses and commercial learner's permits; revising certain requirements relating to medical examinations required for applicants and holders of commercial driver's licenses and commercial learner's permits; revising requirements for a medical examination required for an application for a waiver of certain physical requirements to operate a commercial motor vehicle; revising provisions governing certain persons to whom the Department of Motor Vehicles will not issue a commercial driver's license or commercial learner's permit; making conforming changes; removing certain obsolete references; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires the Department of Motor Vehicles to adopt regulations relating to commercial driver's licenses; and (2) authorizes the Department to authorize any person to administer any driving skills test required to obtain a commercial driver's license if certain requirements are satisfied. (NRS 483.908, 483.912) Existing regulations authorize the Department to accept, in lieu of a skills test conducted by the Department, a certification of the

driving ability of a person submitted by certain persons who are registered as third-party certifiers, including, without limitation, "third-party companies" and "third-party schools." (NAC 483.12175, 483.1218, 483.1222)

Sections 2 and 7 of this regulation authorize a third-party certifier who is employed by a governmental entity that is a third-party company to apply to the Department for authorization to certify the driving ability of any eligible employee of any other governmental entity in this State.

Section 3 of this regulation defines the term "downgrade by removal" to mean prohibiting the operation of a commercial motor vehicle by withdrawing the privilege to operate a commercial motor vehicle from the holder of a commercial driver's license or commercial learner's permit until that privilege is reinstated.

Section 4 of this regulation provides that the Department will initiate the downgrade by removal of the privilege to operate a commercial motor vehicle from the holder of a commercial driver's license or commercial learner's permit not later than 60 days after receiving notification from the Federal Motor Carrier Safety Administration of the United States Department of Transportation that the holder's license or permit has been placed in a prohibited status for a violation of a drug or alcohol program that has been reported to the Drug and Alcohol Clearinghouse of the Federal Motor Carrier Safety Administration. **Section 4** also provides that the Department will reinstate the privilege to operate a commercial motor vehicle to the holder of a commercial driver's license or commercial learner's permit if the Department receives notification from the Federal Motor Carrier Safety Administration that: (1) the holder is no longer in a prohibited status and reinstatement is allowed; or (2) the prior placement of the holder in a prohibited status was erroneous.

Section 5 of this regulation provides for the permanent revocation or suspension of the commercial driver's license or commercial learner's permit of a person who has been convicted of certain criminal offenses.

Sections 8 and 9 of this regulation revise the requirements for an application for registration as a third-party school or third-party company to certify the driving ability of a person.

Sections 10, 12 and 15-18 of this regulation revise certain requirements for third-party companies, third-party schools and third-party certifiers and for persons who request to act as responsible parties for third-party companies or third-party schools.

Section 11 of this regulation removes provisions authorizing the Department to conduct, and a third-party company or third-party school to request, a hearing on the refusal of the Department to renew the registration of a third-party company or third-party school. **Sections 11 and 13** of this regulation prohibit the owner of a third-party company or third-party school that has its registration suspended or revoked from applying to register a third-party company or third-party school formed under a different name for the purpose of evading the period of suspension or revocation.

Section 14 of this regulation revises the eligibility requirements for registration as a third-party certifier and revises provisions governing third-party certifiers who are employed by governmental entities.

Section 19 of this regulation revises certain requirements for on-site inspections by the Department of third-party companies, third-party schools and the vehicles which they use to administer skills tests.

Section 20 of this regulation: (1) revises provisions governing the revocation of a registration of a third-party certifier; and (2) removes provisions authorizing the Department to conduct, and a third-party certifier to request, a hearing on the refusal of the Department to renew the registration of a third-party certifier.

Section 21 of this regulation revises a reference to a certain medical board which is appointed by the Administrator of the Department to assist the Department in determining the physical or mental ability of persons to operate motor vehicles. (NRS 483.205; NAC 483.400)

Existing regulations set forth the conditions under which the Department will waive certain tests of knowledge, driving skills or vision for the purposes of reinstating a driver's license which has been suspended, cancelled or revoked. (NAC 483.471) **Section 22** of this regulation provides that the Department may waive the knowledge and driving skills tests when reinstating the privilege to operate a commercial motor vehicle to the holder of a commercial driver's license or commercial learner's permit which has been downgraded by removal.

Sections 6 and 23 of this regulation make conforming changes to indicate the proper placement of **sections 2-5** in the Nevada Administrative Code.

Sections 24-27 and 30-32 of this regulation eliminate obsolete references to a commercial driver's license instruction permit to conform to terminology in federal regulations governing commercial learner's permits. (49 C.F.R. Part 383)

Existing regulations require every person who applies for or holds a commercial driver's license or commercial learner's permit to provide a current medical examiner's certificate and, if applicable, a document showing that the person was issued: (1) a variance from the requirement to maintain such a certificate; or (2) a waiver of certain physical requirements. (NAC 483.801) In June 2025, the Department began accessing medical examiner's certificates from the National Registry of Certified Medical Examiners of the Federal Motor Carrier Safety Administration, where such certificates are transmitted and stored electronically by certified medical examiners who perform physical qualification examinations for commercial drivers. (49 C.F.R. § 383.73(o)(1)(ii)) Accordingly, **section 24** eliminates the requirement that the applicant or holder of a commercial driver's license or commercial learner's permit provide such a certificate and instead requires the holder to maintain a medical examiner's certificate.

Existing regulations provide that, before a medical examiner's certificate issued to a holder of a commercial driver's license or commercial learner's permit expires, the Department may provide notice to the holder that he or she must: (1) undergo a new medical examination and provide to the Department a copy of the new medical examiner's certificate; (2) change his or her self-certification to a type of commerce that does not require a medical examiner's certificate; or (3) appear in person at an office of the Department and apply for a noncommercial driver's license. Existing regulations also provide that the holder may be subject to the cancellation of his or her commercial driver's license or commercial learner's permit for failing to perform those required actions. (NAC 483.8013) **Section 26**: (1) eliminates the requirement that the holder of the commercial driver's license or commercial learner's permit provide a copy of his or her medical examiner's certificate, as the Department will access the certificate from the

National Registry of Certified Medical Examiners; (2) eliminates the requirement that the holder of the license or permit appear in person at an office of the Department and apply for a noncommercial driver's license; and (3) provides that the holder of the license or permit may be subject to the downgrade by removal of his or her privilege to operate a commercial motor vehicle for failing to perform the required acts.

Existing regulations provide that a person is subject to the cancellation of his or her commercial driver's license or commercial learner's permit for failure to comply with certain requirements relating to medical examiner's certificates. To reinstate such a cancelled license or permit, existing regulations require the person to: (1) pay a reinstatement fee; (2) present a current medical examiner's certificate to the Department; and (3) self-certify as to the type of commerce in which he or she intends to operate a commercial motor vehicle. (NAC 483.8014) **Section 27** provides that a person who fails to comply with the requirements relating to medical examiner's certificates is instead subject to the downgrade by removal of his or her privilege to operate a commercial motor vehicle. Accordingly, **section 27** also eliminates the requirement of the payment of a fee to reinstate a commercial driver's license or commercial learner's permit which has been cancelled. Finally, **section 27** eliminates the requirement that the person present a current medical examiner's certificate to the Department and instead requires that the person obtain the certificate, as the Department will access that certificate from the National Registry of Certified Medical Examiners.

Section 28 of this regulation updates the address of the Department to which a person may submit an application for a waiver of certain physical qualifications to operate a commercial motor vehicle. (NAC 483.803)

Section 29 of this regulation eliminates certain information and certifications by a physician or optometrist which must be included in a medical evaluation that a person must submit to the Department with his or her application for a waiver of certain physical requirements to operate a commercial motor vehicle. **Section 29** also provides that a person who has diabetes mellitus treated with insulin is not required to obtain such a waiver or undergo a medical examination unless the person self-certifies that he or she intends to drive in nonexcepted interstate or nonexcepted intrastate commerce.

Existing regulations set forth certain persons to whom the Department will not issue a commercial driver's license or commercial learner's permit. (NAC 483.825) **Section 33** of this regulation provides that the Department will not issue a commercial driver's license or commercial learner's permit to a person who: (1) must use a bioptic telescopic lens to operate a noncommercial vehicle; or (2) has been placed in a prohibited status as determined by the Department in response to a query of the Drug and Alcohol Clearinghouse of the Federal Motor Carrier Safety Administration.

Section 1. Chapter 483 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *1. A third-party certifier who is employed by a governmental entity that is a third-party company may apply to the Department, in such form as the Department may prescribe, for authorization to certify the driving ability of any eligible employee of any other governmental entity in this State.*

2. A governmental entity that is a third-party company shall maintain a record pursuant to NAC 483.12232 of each employee who is certified pursuant to this section by a third-party certifier of the governmental entity in the same manner as if the employee was an employee of the governmental entity.

Sec. 3. *"Downgrade by removal" means prohibiting the operation of a commercial motor vehicle by withdrawing the privilege to operate a commercial motor vehicle from the holder of a commercial driver's license or commercial learner's permit until that privilege is reinstated.*

Sec. 4. *1. If the Department receives notification from the Federal Motor Carrier Safety Administration of the United States Department of Transportation that the holder of a commercial driver's license or commercial learner's permit has been placed in a prohibited status for a violation of a drug or alcohol program that has been reported to the Drug and Alcohol Clearinghouse of the Federal Motor Carrier Safety Administration, the Department will, not later than 60 days after receipt of such notification, initiate the downgrade by removal of the privilege of the holder to operate a commercial motor vehicle.*

2. If the Department receives from the Federal Motor Carrier Safety Administration notification that:

(a) The holder of a commercial driver's license or commercial learner's permit is no longer in a prohibited status from operating a commercial motor vehicle and the reinstatement of the privilege to operate a commercial motor vehicle is allowed; or

(b) The prior placement of the holder of a commercial driver's license or commercial learner's permit in a prohibited status was erroneous, and the status of the holder is restored to the status as it existed before the erroneous placement,

➥ the Department will reinstate the privilege of the holder to operate a commercial motor vehicle.

Sec. 5. *If the Department receives notice that a person who holds a commercial driver's license or commercial learner's permit has been convicted of any offense for which a person is disqualified for life from operating a commercial motor vehicle pursuant to 49 C.F.R. § 383.51, the Department will suspend or revoke, as applicable, the commercial driver's license or commercial learner's permit of the person. The Department will not reinstate a commercial driver's license or commercial learner's permit that has been suspended or revoked pursuant to this section. A person whose commercial driver's license or commercial learner's permit has been suspended or revoked pursuant to this section is not eligible for a commercial driver's license or commercial learner's permit for the remainder of his or her life.*

Sec. 6. NAC 483.121 is hereby amended to read as follows:

483.121 As used in NAC 483.121 to 483.1236, inclusive, *and section 2 of this regulation,* unless the context otherwise requires, the words and terms defined in NAC 483.1213 to 483.1219, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NAC 483.1222 is hereby amended to read as follows:

483.1222 The Department may, in lieu of the skills test conducted by the Department, accept certification of the driving ability of a person if the certification is submitted electronically to the Department through a system approved by the Department by a third-party certifier who is:

1. Registered pursuant to NAC 483.1224;

2. Employed by the school for training drivers at which the person whose driving ability is being certified is a student, the employer of the person whose driving ability is being certified ***,*** ~~[or]~~ employed by the same employer as the person whose driving ability is being certified ~~[;]~~ ***or authorized by the Department pursuant to section 2 of this regulation to certify the driving ability of the person whose driving ability is being certified;*** and

3. Not responsible for the instruction of the person whose driving ability is being certified relating to the operation of the commercial motor vehicle.

Sec. 8. NAC 483.1223 is hereby amended to read as follows:

483.1223 1. A school for training drivers may apply to the Department for registration as a third-party school.

2. A business that assigns its employees to operate a commercial motor vehicle for which a Class A, Class B or Class C commercial driver's license is required may apply to the Department for registration as a third-party company.

3. A third-party company or third-party school must:

(a) Own or lease operational commercial motor vehicles in the following combinations:

(1) If the company or school certifies holders of a Class A commercial learner's permit, at least:

(I) Three trucks or truck tractors; and

(II) Three trailers.

(2) If the company or school certifies holders of a Class B or Class C commercial learner's permit, at least three vehicles that are within Class B or Class C.

(3) If the company or school certifies holders of Class A and Class B or Class C commercial learners' permits, at least:

(I) Three trucks or truck tractors;

(II) Three trailers; and

(III) One vehicle that is within Class B or Class C, as applicable.

(b) Have adequate area to conduct vehicle inspections and exercises in the skills of backing control.

(c) Have access to public highways to perform road test maneuvers.

(d) Use designated road test routes that have been approved by the Department for conducting road tests.

(e) ***Use designated locations that have been approved by the Department for conducting skills tests.***

(f) Have access to the Internet for submitting and posting:

(1) Schedules for skills tests;

(2) Routes for road tests; and

(3) Scores received by students on skills tests.

~~[(f)]~~ ***(g)*** Submit to the Department appointments for skills tests within a period set forth by the Department, but not later than 2 days before each skills test.

~~[(g)]~~ ***(h)*** Have the vehicles that it uses for conducting skills tests inspected at least once each year.

4. A person requesting to be a responsible party for a third-party company or third-party school must have a background check completed pursuant to NAC 483.12267.

5. ***Each responsible party shall enter into an agreement with the Department that includes, without limitation, a provision:***

(a) Requiring the responsible party to have access to the Internet for submitting and posting schedules for skills tests.

(b) Prohibiting the responsible party from entering any results from a skills test into the system for submitting certifications of driving ability electronically that has been approved by the Department pursuant to NAC 483.1222.

6. Each responsible party shall be subject to any disqualification period set forth in the agreement with the Department entered into pursuant to subsection 5.

7. As used in this section:

(a) "Responsible party" means an employee of a third-party company or third-party school who is designated by the company or school, as applicable, to act on behalf of the company or school.

(b) "Truck" has the meaning ascribed to it in 49 C.F.R. § 390.5.

(c) "Truck tractor" has the meaning ascribed to it in 49 C.F.R. § 390.5.

Sec. 9. NAC 483.12231 is hereby amended to read as follows:

483.12231 1. A business or school for training drivers that is applying for registration as a third-party company or third-party school, as applicable, pursuant to NAC 483.1223 must

complete an application on a form provided by the Department which includes, without limitation:

(a) The name of the business or school.

(b) The address of the business or school.

(c) The name and title of the person applying on behalf of the business or school.

(d) For a school for training drivers, information concerning the ownership of the school.

(e) A list of vehicles that the business or school will use to administer skills tests. The list must include, without limitation, the following information for each vehicle:

(1) The class of the vehicle.

(2) Any endorsements applicable to the vehicle.

(3) Whether the vehicle is equipped with air brakes.

(4) The type of transmission with which the vehicle is equipped.

(5) The types of trailer connections with which the vehicle is equipped.

(6) The make, model and vehicle identification number of the vehicle.

(7) The location at which the vehicle will be used to administer skills tests.

(8) Verification that the gross vehicle weight rating for the vehicle, as specified by the manufacturer on the certification label, as described in 49 C.F.R. Part 567, is appropriate for the types and classes of vehicles and endorsements for which the business or school will be administering skills tests.

(f) The number of employees or students that the business or school expects to test annually.

(g) A statement that the applicant has read and will comply with the regulations and requirements for registration adopted by the Department.

2. An applicant shall inform the Department of each location of the business or school for training drivers at which a third-party certifier will be certifying the driving ability of employees or students, as applicable.

3. In evaluating the eligibility of an applicant for registration as a third-party company or third-party school, the Department may consider any additional information that the Department deems necessary for eligibility.

4. The evaluation by the Department of an application for registration as a third-party company will include an inspection of the site of the place of business of the applicant. The inspection must include, without limitation, visual inspections that are substantially similar to the visual inspections described in subsection 5.

5. The evaluation by the Department of an application for registration as a third-party school will include an inspection of each branch location of the school at which drivers are trained. The inspection must include, without limitation, a visual inspection of:

(a) The vehicles to be used by the school for ~~[training.]~~ ***testing.***

(b) ~~[Copies of training programs to be used by the school.~~

~~(c)]~~ Areas within which the school will administer skills tests.

~~[(d) The manner in which the school conducts tests of laws and regulations.~~

~~(e) The qualifications of instructors who provide instruction at the school.]~~

6. If the Department approves a third-party company or third-party school to administer skills tests, the Department will issue to the company or school, as applicable, a certificate of registration indicating the types and classes of vehicles and endorsements that the company or school may certify.

7. After the initial issuance of a certificate of registration pursuant to subsection 6, the Department may waive any part of the inspection otherwise required pursuant to subsection 4 or 5, as applicable, if the business or school for training drivers currently has on its staff other employees or instructors who are registered as third-party certifiers.

8. The Department will assign a unique number to each business or school for training drivers registered as a third-party company or third-party school, as applicable. The number must not be transferred to or used by any other business or school for training drivers.

9. If the Department denies an application for registration as a third-party company or third-party school, the Department will notify the applicant by mail of its decision. Except as otherwise provided in NAC 483.12233, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that the applicant has taken to correct each deficiency set forth in the notice received from the Department which caused the denial of the original application.

Sec. 10. NAC 483.12232 is hereby amended to read as follows:

483.12232 1. A third-party company shall maintain a record of each employee of the company who is certified by a third-party certifier of the third-party company. The record must be available for inspection by a representative of the Department during normal business hours and ~~[, except as otherwise provided in subsection 4,]~~ must include:

(a) ~~[A description of the training of the employee.]~~ ***Proof of employment.***

(b) ~~[The identity of the person who performed the training.]~~ ***A copy of the scoring sheet for each skills test administered to the employee.***

(c) A ~~[description of each test administered to the employee.]~~ ***copy of the employee's commercial learner's permit and:***

(1) Noncommercial driver's license; or

(2) Commercial driver's license.

(d) Sufficient information to demonstrate to the satisfaction of the Department that the third-party certifier who administered a skills test to the employee did not provide instruction to the employee. The information required by this paragraph must include, without limitation:

(1) The full legal name of each instructor who provided any skills training to the employee.

(2) A description of each type of training provided to the employee.

(3) The date on which each type of training was provided.

2. ~~[Except as otherwise provided in subsection 4, a]~~ ***A*** third-party school shall maintain a record of each student to whom a third-party certifier employed by the school administers any part of a skills test. The record must be available for inspection by a representative of the Department during normal business hours and include:

(a) ~~[The full legal name and address of the student.]~~ ***Proof of enrollment in the school.***

(b) A ~~[record]~~ ***copy*** of ***the scoring sheet for*** each skills test administered to the student.

(c) ~~[The number of any learner's permit or driver's license issued to the student.]~~ ***A copy of the student's commercial learner's permit and:***

(1) Noncommercial driver's license; or

(2) Commercial driver's license.

(d) ~~[The full legal name and registration number of each third-party certifier who administered any part of a skills test to the student.~~

~~(e) A description of each type of test given to the student and the amount of time devoted to each type of test.~~

~~(f) The date on which each type of test was given.~~

~~(g) The total number of hours of instruction given to the student.~~

~~(h)]~~ Sufficient information to demonstrate to the satisfaction of the Department that the third-party certifier who administered a skills test to the student did not also provide instruction to the student. ***The information required by this paragraph must include, without limitation:***

(1) The full legal name of each instructor who provided any skills training to the student.

(2) A description of each type of training provided to the student.

(3) The date on which each type of training was provided.

3. ~~[Except as otherwise provided in subsection 4, a]~~ ***A*** third-party company or third-party school shall maintain a separate annual inspection record for each vehicle that it uses to administer skills tests to employees or students, as applicable.

4. A third-party company or third-party school ~~[that is a governmental entity is not required to:~~

~~(a) Include in the record required to be maintained pursuant to subsection 1, the items set forth in paragraphs (a) and (b) of subsection 1;~~

~~(b) Maintain the records required by subsection 2 with respect to a student who is an employee of the governmental entity; or~~

~~(c) Maintain the records required by subsection 3 with respect to any vehicle used to administer skills tests exclusively to employees of the governmental entity.~~ ***shall maintain copies of the following records at its principal place of business or another central location:***

(a) The certificate of registration issued by the Department pursuant to NAC 483.12231.

(b) For each third-party certifier who works for the company or school, the certificate of registration issued by the Department pursuant to NAC 483.1224.

(c) The most recent version of the agreement entered into between the Department and the company or school pursuant to NAC 483.12235.

(d) The scoring sheet for each skills test that has been administered under the authority of the company or school for the current year and the 2 most recent calendar years.

(e) Maps of any routes for road tests approved by the Department for use by the company or school.

(f) The training record of each third-party certifier who works for the company or school if required by the agreement entered into between the Department and the company or school pursuant to NAC 483.12235.

Sec. 11. NAC 483.12233 is hereby amended to read as follows:

483.12233 1. The Department will take prompt and appropriate remedial action against a third-party company or third-party school that fails to comply with state or federal standards for the program for testing persons to receive a commercial driver's license ~~[.]~~ or fails to comply with any other terms of an agreement between the Department and the third-party company or third-party school.

2. The Department may suspend the registration of a third-party company or third-party school that refuses to allow an authorized representative of the Department access, during regular business hours, to inspect the records maintained by a third-party certifier ~~[who works for]~~ ***on behalf of*** the company or school, if those records relate to any employee or student whose driving abilities were certified by the third-party certifier.

3. The Department may suspend the registration of a third-party company or third-party school if any of the following fail to cooperate fully with an authorized representative of the Department during an inspection:

(a) A third-party certifier who works for the company or school;

(b) An agent of the company or school; or

(c) An officer or employee of the company or school.

4. Except as otherwise provided in subsection 8, the Director or his or her designee may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party company or third-party school if the Director or his or her designee finds that the temporary suspension or refusal to renew is in the public interest. ~~[The]~~ ***If the Director or his or her designee temporarily suspends the registration of a third-party company or third-party school, the*** Department or a designee from the Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension ~~[or refusal to renew a registration]~~ is sent to the third-party company or third-party school.

5. The Department may suspend the registration of a third-party company or third-party school that allows an unauthorized person to administer any part of a skills test to an employee or student, as applicable.

6. Any third-party company or third-party school whose registration is revoked pursuant to this section may not reapply for registration until 2 years after the date of revocation.

7. A third-party company or third-party school may, within 30 days after the temporary suspension or revocation of ~~[, or refusal to renew,]~~ its registration pursuant to this section, request a hearing on the question of whether the third-party company or third-party school, or a third-party certifier of the company or school, committed one or more acts constituting grounds for the suspension ~~[,]~~ ***or*** revocation ~~[or refusal to renew]~~ ***of*** the registration. The hearing must be conducted in accordance with the provisions of chapter 233B of NRS, and judicial review must be available as provided in that chapter.

8. The Department may suspend or revoke the registration of a third-party company or third-party school for good cause or any other reason if such disqualification is in the best interest of the public and approved by the Director or a designee of the Director.

9. The owner of a third-party company or third-party school that has its registration suspended or revoked by the Department pursuant to this section shall not apply for the registration of a third-party company or third-party school formed under a different name for the purpose of evading any period of suspension or revocation imposed pursuant to this section. The Department will reject any application for registration as a third-party company or third-party school found to be in violation of this subsection.

Sec. 12. NAC 483.12235 is hereby amended to read as follows:

483.12235 Each third-party company or third-party school shall enter into an agreement with the Department that includes, without limitation:

1. A provision allowing the Federal Motor Carrier Safety Administration of the United States Department of Transportation, or its representative, and the Department to conduct random examinations, inspections and audits of the records, facilities and operations of the company or school without notice.

2. A requirement that each third-party certifier who works for the company or school and administers skills tests meets the qualifications and training standards set forth in 49 C.F.R. § 384.228.

3. A provision allowing the Department to:

(a) Have employees of the Department covertly take the skills tests administered by a third-party certifier as if the employees were test applicants.

(b) Have employees of the Department, together with and at the same time as a third-party certifier, score skills tests to compare results of passage and failure.

(c) Retest a sample of drivers who were examined by a third-party certifier.

4. A provision reserving to the Department the right to take prompt and appropriate remedial action against a third-party company, third-party school or third-party certifier if the company, school or certifier, as applicable, fails to comply with any state or federal standards for the program to test drivers for a commercial driver's license, or if a third-party company or third-party school fails to comply with any other terms of a contract ***or agreement*** with a third-party certifier.

5. A requirement that a third-party company or third-party school initiate and maintain a bond pursuant to NAC 483.12234.

6. A requirement that a third-party company or third-party school use the services only of a third-party certifier who:

(a) Has completed successfully a formal training course for examiners who administer skills tests as prescribed by the Department; and

(b) Is registered with and certified by the Department as a third-party certifier who is qualified to administer skills tests.

7. A requirement that a third-party company, third-party school and third-party certifier conduct testing ***, including, without limitation, vehicle inspection tests and basic vehicle control tests, at locations and*** on road test routes that have been designated and approved by the Department.

8. A requirement that a third-party company, third-party school or third-party certifier submit to the Department a schedule of appointments for skills tests administered by the company, school or certifier, as applicable, within a period set forth by the Department, but not less than 2 days before each skills test.

9. A requirement that a third-party company or third-party school maintain copies of the ~~[following]~~ records ***described in subsection 4 of NAC 483.12232*** at its principal place of business or another central location ***.*** ~~[:~~

~~(a) The certificate of registration issued by the Department pursuant to NAC 483.12231.~~

~~(b) For each third-party certifier who works for the company or school, the certificate of registration issued by the Department pursuant to NAC 483.1224.~~

~~(c) The most recent version of the agreement specified in this section.~~

~~(d) The scoring sheet for each skills test that has been administered under the authority of the company or school for the current year and the immediately preceding 2 calendar years.~~

~~(e) Maps of any routes for road tests approved by the Department for use by the company or school.~~

~~(f) The training record of each third-party certifier who works for the company or school.]~~

10. A requirement that all vehicles and equipment used by the third-party company or third-party school to administer a skills test are maintained adequately and safe to operate. Except as otherwise provided in NAC 483.1224, any incidents that are a result of unsafe vehicles or equipment are the responsibility of the company or school which owns or operates the vehicles or equipment.

11. A provision establishing the periods of disqualification to which the third-party company or third-party school may be subject.

Sec. 13. NAC 483.12236 is hereby amended to read as follows:

483.12236 1. The Department will revoke the registration of a third-party company or third-party school if:

(a) The company or school employs only one third-party certifier; and

(b) The third-party certifier does not meet the requirement set forth in NAC 483.12261 or is not granted an exception in accordance with that section.

2. A third-party company or third-party school whose registration is revoked pursuant to subsection 1 must wait at least 1 year before reapplying to the Department for registration as a third-party company or third-party school.

3. The owner of a third-party company or third-party school that has its registration revoked by the Department pursuant to this section shall not apply for the registration of a third-party company or third-party school formed under a different name for the purpose of evading the period of revocation imposed pursuant to subsection 2. The Department will reject any application for registration as a third-party company or third-party school found to be in violation of this subsection.

Sec. 14. NAC 483.1224 is hereby amended to read as follows:

483.1224 1. An instructor or authorized employee at a school for training drivers may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 4, an instructor or authorized employee who is registered as a third-party certifier may certify the driving ability of any student enrolled at the school for training drivers who wishes to obtain a Class A, Class B or Class C commercial driver's license and must electronically submit to the Department certification to that effect. The instructor or authorized employee may not electronically submit to the Department certification with respect to the instructor's or employee's own driving ability.

2. Any person doing business in this State, or the authorized employee of such a person, may apply to the Department for registration as a third-party certifier. Except as otherwise provided in subsection 5, a third-party certifier who is registered pursuant to this section may certify the driving ability of an employee of an employer who wishes to obtain a Class A, Class B or Class C commercial driver's license and must electronically submit to the Department certification to that effect. The third-party certifier may not electronically submit to the Department certification with respect to the third-party certifier's own driving ability.

3. An applicant to become a third-party certifier must ~~[have]~~ ***:***

(a) Have, within the 4 years immediately preceding the date on which the applicant submitted his or her application, at least 2 years of experience operating a commercial motor vehicle for the type, class and endorsements of commercial drivers' licenses that he or she will certify.

(b) Not have had his or her driver's license or driving privileges suspended or revoked within the 3 years immediately preceding the date on which the applicant submitted his or her application.

4. A third-party certifier employed by a third-party school shall not:

(a) Certify the driving ability of a student unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license for which the student's driving ability is being certified;

(b) Attest to the certification for the operation of a vehicle for which a particular type or class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as that required for the vehicle the operation of which is to be certified; or

(c) Certify the driving ability of any employee of the school**.** ~~[, unless the school is a governmental entity.]~~

5. A third-party certifier employed by a third-party company shall not:

(a) Certify the driving ability of an employee of the company unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license

as the type and class of driver's license for which the employee's driving ability is being certified; or

(b) Attest to the certification for the operation of a vehicle for which a particular type and class of driver's license is required unless the third-party certifier has at his or her disposal at least one vehicle requiring the same type and class of driver's license as the type and class of driver's license as that required for the vehicle the operation of which is to be certified.

6. A third-party certifier must:

(a) Successfully complete a 40-hour course provided by the Department for administering skills tests;

(b) Hold a valid commercial driver's license of the same type and class for which the third-party certifier is certifying the driving ability of a student or employee; and

(c) Administer the skills test in a vehicle representing the same type and class of vehicle the operation of which requires a driver's license of the same type and class as the type and class of driver's license for which the driving ability of the student or employee is being certified.

7. A third-party certifier who is also an instructor, whether as part of a school, training program or otherwise, shall not administer a skills test to a person who received training in skills from the third-party certifier.

8. If a third-party certifier successfully completes training to administer skills tests, the Department will issue to the third-party certifier a certificate of registration which:

(a) Is valid for 4 years; and

(b) Indicates the type and class of vehicle and endorsements for which the third-party certifier is allowed to provide certification.

9. A person who is registered as a third-party certifier for a third-party school may certify the driving ability of only those students who are enrolled at the branch locations of the school for which the person is registered as a third-party certifier.

10. A person who is registered as a third-party certifier for a third-party company may certify the driving ability of only those employees who work within the same department of the company for which the person is registered as a third-party certifier, unless the third-party company is a governmental entity. A person who is registered as a third-party certifier for a third-party company that is a governmental entity may certify the driving ability of any eligible employee of the governmental entity, regardless of department or division . ~~[, subject to such limitations as the Department otherwise prescribes by regulation.]~~

11. A third-party certifier shall ensure that all vehicles and equipment used to perform skills tests are maintained adequately and safe to operate. Except as otherwise provided in NAC 483.12235, any incidents that are a result of unsafe vehicles or equipment are the responsibility of the third-party certifier.

Sec. 15. NAC 483.1226 is hereby amended to read as follows:

483.1226 1. A person who is applying for registration as a third-party certifier pursuant to NAC 483.1224 must complete an application on a form provided by the Department which includes, without limitation:

(a) An authorization for an investigation of the background of the applicant;

(b) The driving history of the applicant; and

(c) A statement that the applicant has read and will comply with the regulations and requirements for certification adopted by the Department.

2. An applicant applying for registration as a third-party certifier must consent to a background check as described in NAC 483.12267.

3. Any training with respect to how to administer skills tests that is given by the Department to an applicant for registration as a third-party certifier will be the same training that would otherwise be given by the Department to persons who administer skills tests.

4. An applicant applying to become a third-party certifier for a third-party company or third-party school must indicate on his or her application all locations at which he or she will be certifying the driving ability of employees employed by the company or students enrolled at the school.

5. In evaluating the eligibility of an applicant for registration as a third-party certifier, the Department may consider the class of the applicant's driver's license, his or her driving history and any additional information which the Department deems pertinent to his or her eligibility.

6. If the Department approves an application for registration as a third-party certifier, the Department will assign a unique number to the person registered by the Department. Any number assigned pursuant to this subsection must not be transferred to or used by any other person.

7. If the Department denies an application for registration as a third-party certifier, the Department will notify the applicant by mail of its decision. Except as otherwise provided in NAC 483.1236, the applicant may reapply at any time on a new application form. The applicant must state in the new application the measures that were taken to correct the deficiency that caused the denial of the original application.

8. Each third-party certifier shall enter into an agreement with the Department that includes, without limitation:

(a) A requirement that the third-party certifier maintain a current copy of the certificate of registration issued to the third-party certifier pursuant to NAC 483.1224.

(b) A requirement that the third-party certifier maintain a valid commercial driver's license of the type and class for which he or she is authorized to certify other drivers.

(c) A requirement for the third-party certifier to ensure, before administering a skills test, that each person who is to be tested holds a commercial learner's permit which satisfies all federal and state regulations and requirements.

(d) A list of approved locations for inspecting vehicles used in testing.

(e) A provision setting forth the dimensions that have been approved by the Department for any test pad used to conduct skills tests.

(f) A list of designated routes for road tests that have been approved by the Department.

(g) A provision establishing the periods of disqualification to which the third-party certifier may be subject.

Sec. 16. NAC 483.12267 is hereby amended to read as follows:

483.12267 1. ~~[An]~~ ***Each*** applicant who applies to the Department for registration as a third-party certifier ***and each person who requests to act as a responsible party on behalf of a third-party company or third-party school*** must consent to fingerprinting and pass a nationwide criminal background check of the following:

(a) Any felony conviction within the immediately preceding 10 years; and

(b) Any conviction involving fraudulent activities.

2. If the registration of a third-party certifier is expired, suspended or revoked for more than 90 days, the third-party certifier must submit to a new background check as a prerequisite to reinstating his or her registration.

3. A third-party certifier may not use the results of a previous background check if the third-party certifier is no longer employed by the third-party company or third-party school for which he or she worked and he or she wishes to be become a third-party certifier for another third-party company or third-party school.

4. A third-party certifier may continue to use the results of a previous background check if he or she transfers from one department or division to another within the same third-party company.

~~[5. A person who requests to act as a responsible party on behalf of a third-party company or third-party school must submit to a background check as specified by the Department.]~~

Sec. 17. NAC 483.1228 is hereby amended to read as follows:

483.1228 1. If, at any time, the number of vehicles owned or leased by a third-party company or third-party school falls below the minimum requirement for vehicles set forth in subsection 3 of NAC 483.1223, the third-party company or third-party school shall forthwith notify the Department. The Department may suspend, revoke or refuse to renew the registration of each third-party certifier at the third-party company or third-party school during the time that the third-party company or third-party school does not have the required minimum number of vehicles.

2. If the third-party company or third-party school purchases or leases a vehicle that will be used by a third-party certifier in administering a skills test, the third-party company or third-party

school shall notify the Department ~~[within 10 days after the date on which the vehicle is purchased or leased.]~~ ***before administering any skills test in the vehicle.*** An authorized representative of the Department:

(a) Shall inspect the vehicle within 30 days after receiving the notice; and

(b) May inspect the vehicle during any inspection conducted by the Department pursuant to NAC ***483.12231 or*** 483.123 **.** ~~[or 483.12231.]~~

3. A third-party company or third-party school shall notify the Department within 10 days after a change in any address or location at which the company or school conducts business **.** ~~[or conducts skills tests.]~~

4. A third-party company or third-party school may renew its annual registration on a form furnished by the Department. If the third-party company or third-party school fails to renew the registration within 30 days after the date of expiration, its registration as a third-party company or third-party school expires and it must reapply for registration as a third-party company or third-party school in the manner set forth in NAC 483.12231.

5. A third-party company or third-party school shall pay the annual fee prescribed in subsection 2 of NRS 483.910 to renew its registration.

Sec. 18. NAC 483.1229 is hereby amended to read as follows:

483.1229 1. An annual inspection of vehicles that are used to administer skills tests to drivers and are operated on a highway must be performed by a registered garage, a licensed body shop or an inspector meeting the qualifications of 49 C.F.R. § 396.19, and the inspection must be reported to the Department on a form provided by the Department.

2. If a third-party company or third-party school purchases or leases a vehicle for administering skills tests to drivers, the company or school shall ensure that the vehicle is inspected by a registered garage, a licensed body shop or an inspector meeting the qualifications of 49 C.F.R. § 396.19 ~~[not later than 30 days after the purchase or lease of the vehicle and]~~ before ~~[providing any training or]~~ administering any skills test in the vehicle.

3. Each vehicle which is a commercial motor vehicle and is used by a third-party company or third-party school for administering skills tests to drivers must meet all the requirements of the Federal Motor Carrier Safety Regulations as set forth in 49 C.F.R. Part 396.

4. As used in this section:

(a) "Licensed body shop" means a body shop licensed by the Department pursuant to NRS 487.630.

(b) "Registered garage" means a garage registered with the Department pursuant to NRS 487.560.

Sec. 19. NAC 483.123 is hereby amended to read as follows:

483.123 1. The Department will, at least once every 2 years, monitor the performance of a third-party company or third-party school that is registered pursuant to NAC 483.12231. The monitoring required by this subsection must include, without limitation, one announced and one unannounced on-site examination of:

(a) ~~[The instruction given;~~

~~(b) Teaching skills demonstrated;~~

~~(c)]~~ Unusual test results, including, without limitation, unusually high rates of passage or failure;

~~[(d)]~~ ***(b)*** Testing performed by any third-party certifier who is employed by the third-party company or third-party school;

~~[(e)]~~ ***(c)*** A comparison of the results achieved on skills tests with the scoring sheets for skills tests that are maintained in the files of the third-party company or third-party school; and

~~[(f) Records of the inspection of vehicles.]~~

(d) The records required to be maintained pursuant to NAC 483.12232.

2. An examiner from the Department may conduct random reexaminations of any student or employee to whom a third-party certifier who is employed by the third-party company or third-party school has administered a skills test.

3. The Department will ~~[, at least once every 2 years,]~~ ***periodically*** conduct an inspection of each vehicle listed pursuant to NAC 483.12231. The vehicles must be accessible to the Department, operational and located at the principal place of business of, or one central location used by, the third-party company or third-party school.

4. Within 30 days after an inspection, the Department will provide a written report to the third-party company or third-party school which:

(a) Indicates compliance; or

(b) Describes each deficiency and notifies the third-party company or third-party school that each such deficiency must be corrected within 30 days after the date on which the notice is received. If each deficiency is not corrected in a timely manner, the Department may, pursuant to ~~[NAC 483.1236 or]~~ subsection 8 of NAC 483.12233, suspend or revoke the registration issued to the third-party company or third-party school or take appropriate action against the third-party school pursuant to NAC 483.708 to 483.795, inclusive, or both.

5. If, pursuant to NAC 483.708 to 483.795, inclusive:

(a) Any action is taken against a third-party school in its capacity as a school for training drivers, the Department may revoke, suspend or refuse to renew, as appropriate, its registration as a third-party school.

(b) The license issued to the operator of the school for training drivers is:

(1) Suspended, or if the Department refuses to renew the license issued to the school for training drivers, the Department will, except as otherwise provided in this paragraph, suspend the registration of the third-party school and each third-party certifier employed by the school until the license of the school has been restored. If the license issued to the operator of the school is not restored, the Department will revoke the registration of the third-party school and each third-party certifier. This paragraph does not prevent the Department from taking separate disciplinary action against a third-party certifier if the circumstances that resulted in the suspension of, or the refusal to renew, the license of the school for training drivers involved an act or omission by the third-party certifier.

(2) Revoked, the Department will revoke the registration of the third-party school and each third-party certifier employed by the school.

Sec. 20. NAC 483.1236 is hereby amended to read as follows:

483.1236 1. The Department may revoke the registration of a third-party certifier who is registered pursuant to NAC 483.1224 if:

(a) The third-party certifier has been convicted of:

(1) Driving under the influence of an intoxicating liquor or a controlled substance within the past ~~[7]~~ *3* years;

(2) A gross misdemeanor or felony relating to the management of money or a business;

(3) Fraud;

(4) Embezzlement; or

(5) Possessing more than one valid driver's license issued to the third-party certifier under a full legal name other than his or her own, or issued to him or her by more than one state, or both;

(b) The Department determines that the third-party certifier falsified an application or any other information to obtain or maintain registration as a third-party certifier;

(c) The third-party school that employs the third-party certifier fails to maintain an active license or ceases to maintain an established place of business in this State as required by NAC 483.708 to 483.795, inclusive;

(d) Pursuant to NAC 483.708 to 483.795, inclusive, any action is taken against the instructor's license issued to the third-party certifier by the Department; or

(e) The third-party certifier administers any part of the skills test to a natural person to whom the third-party certifier has provided instruction for the skills test.

2. The Department, for good cause shown, may suspend or revoke the registration of a third-party certifier for any other reason if such disqualification is in the best interest of the public and approved by the Director or a designee of the Director.

3. The Department may suspend the registration of a third-party certifier if the third-party certifier or the third-party company or third-party school that employs the third-party certifier, or an agent, officer or employee of the certifier, company or school, fails to cooperate fully with an

authorized representative of the Department during an inspection of the third-party certifier or third-party company or third-party school that employs the third-party certifier.

4. The Director may temporarily suspend for not more than 30 days or refuse to renew the registration of a third-party certifier if the Director finds that such a temporary suspension or refusal to renew is in the public interest. ~~[The]~~ ***If the Director suspends the registration of a third-party certifier, the*** Department may conduct a hearing and issue a final decision on the matter within 30 days after the date on which the notice of temporary suspension ~~[or refusal to renew a registration]~~ is sent to the third-party certifier.

5. Any third-party certifier whose registration is revoked pursuant to this section:

(a) May not reapply for registration until 2 years after the date of revocation; and

(b) Must attend a training program approved by the Department for the certification of a driver at the time he or she reapplies for registration as a third-party certifier.

6. A third-party certifier may, within 30 days after the temporary suspension or revocation of ~~[, or refusal to renew,]~~ his or her registration pursuant to this section, request a hearing on the question of whether the third-party certifier committed one or more acts constituting grounds for the suspension ~~[,]~~ ***or*** revocation ~~[or refusal to renew]~~ ***of*** the registration. The hearing must be conducted pursuant to the provisions of chapter 233B of NRS, and judicial review must be available as provided therein.

Sec. 21. NAC 483.400 is hereby amended to read as follows:

483.400 1. If a person who, for medical or physical reasons or because his or her licensing would be hazardous to public safety, has been denied a license or permit, or has had his or her

license suspended, revoked or cancelled subsequently applies for issuance or reinstatement of the license or permit, the person may be required to submit the following information:

(a) A current statement of his or her case history.

(b) A current statement concerning the ailment by any treating physician or psychiatrist, psychologist, certified drug and alcohol counselor or any other competent authority acceptable to the Department. The statement must include the diagnosis, treatment and prospect of recovery from or control of the ailment.

(c) A current report covering the results of any medical examinations pertinent to the ailment in question.

(d) Evidence of ~~[the Medical Advisory Board's]~~ approval ~~[,]~~ ***by a medical board appointed by the Administrator pursuant to NRS 483.205,*** when applicable.

(e) Any other information the Department deems relevant.

➥ The Director or the Director's authorized representative may, in addition, require the applicant or licensee be given a driving test and other examinations which are deemed necessary to effectively evaluate the ability of the applicant or licensee to operate a motor vehicle safely.

2. The Department may require any or all of the information specified in subsection 1, together with any other information deemed relevant in any case in which the issue arises as to whether the driving of a motor vehicle by a person would be hazardous to the public welfare.

Sec. 22. NAC 483.471 is hereby amended to read as follows:

483.471 1. The Department will waive the knowledge, driving skills and vision tests when reinstating a driver's license if:

(a) The license was suspended for:

(1) Any violation of law governing financial responsibility;

(2) The failure to make a report of an accident;

(3) The violation of a written promise to appear in court pursuant to a citation;

(4) The violation of a license restriction, other than a restriction that requires an annual vision test, a driving skills test or the submission of a medical letter from a physician;

(5) The use, possession, sale or distribution by a minor of a controlled substance, or the purchase, consumption or possession by a minor of an alcoholic beverage;

(6) A first offense for driving at a time when the license was suspended; or

(7) Pursuant to NRS 483.443, the failure to:

(I) Comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(II) Satisfy an arrearage in the payment for the support of one or more children.

(b) The license was cancelled for:

(1) Insufficient identification at the time of application;

(2) The issuance of a check to the Department with insufficient money or credit to pay the check;

(3) The withdrawal of the license of the driver in another state;

(4) The failure to pay all fees;

(5) The failure to pay a civil penalty relating to the operation of a motor vehicle; or

(6) Incorrect information appearing on the driver's license, except for a missing or an incorrect license endorsement.

2. An applicant who successfully completes a knowledge test for a commercial driver's license may not be required to complete a knowledge test for a noncommercial driver's license.

3. The Department will waive the driving skills test when reinstating a driver's license if:

(a) The license has been revoked for less than 1 year:

(1) For a conviction for driving under the influence of alcohol or a controlled substance;

(2) For failing to submit to a test of alcohol concentration or the presence of a controlled substance in the system of the driver; or

(3) Pursuant to the provisions of NRS 484C.220.

(b) The driver has successfully completed a driving skills test in a commercial vehicle. An additional driving skills test in a noncommercial vehicle will not be required.

(c) The license was cancelled because of an error made by the Department.

(d) The driver is reinstating his or her license by mail for the purpose of obtaining a license in another state.

4. The Department will waive the vision test when reinstating a driver's license if:

(a) The expiration date on the reinstated license will not change from the expiration date on the withdrawn license;

(b) The reinstatement is completed by mail to obtain a clearance letter or a license from another state; or

(c) The applicant provides a report from an ophthalmologist, optician or optometrist in lieu of a vision test administered by the Department.

5. The Department may waive the knowledge and driving skills tests when reinstating the privilege to operate a commercial motor vehicle to the holder of a commercial driver's license

or commercial learner's permit which has been downgraded by removal. As used in this subsection, "downgrade by removal" has the meaning ascribed to it in section 3 of this regulation.

Sec. 23. NAC 483.799 is hereby amended to read as follows:

483.799 As used in NAC 483.799 to 483.850, inclusive, ***and sections 3, 4 and 5 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC ~~[483.7992]~~ ***483.79915*** to ~~[483.7997,]~~ ***483.7998,*** inclusive, ***and section 3 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 24. NAC 483.801 is hereby amended to read as follows:

483.801 1. Except as otherwise provided in subsection 2, every person who applies for, or currently holds, a commercial driver's license ~~[, commercial driver's license instruction permit]~~ or commercial learner's permit must:

(a) ~~[Provide a]~~ ***Maintain:***

(1) A current medical examiner's certificate ***.*** ~~[and, if]~~

(2) If applicable, a document showing that the person was issued a variance by the Federal Motor Carrier Safety Administration of the United States Department of Transportation from the requirement to maintain a medical examiner's certificate or a waiver pursuant to NAC 483.8031 ***.*** ~~[; and]~~

(b) ~~[On or before January 30, 2014, self-certify]~~ ***Self-certify*** on a form prescribed by the Department that he or she intends to drive in only one of the following types of commerce:

(1) Excepted interstate commerce;

(2) Nonexcepted interstate commerce;

(3) Excepted intrastate commerce; or

(4) Nonexcepted intrastate commerce.

2. A person who applies for, or currently holds, a commercial driver's license ~~[, commercial driver's license instruction permit]~~ or commercial learner's permit and who operates a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce is not required to comply with the provisions of paragraph (a) of subsection 1.

Sec. 25. NAC 483.8012 is hereby amended to read as follows:

483.8012 1. Except as otherwise provided in subsection 5, every person who applies for, or currently holds, a commercial driver's license ~~[, commercial driver's license instruction permit]~~ or commercial learner's permit shall undergo a medical examination that meets the requirements of 49 C.F.R. § 391.43.

2. If the applicant or holder obtains a medical examiner's certificate that requires a variance or waiver, he or she may apply:

(a) To the Federal Motor Carrier Safety Administration of the United States Department of Transportation for a variance.

(b) To the Department for a waiver pursuant to NAC 483.8031 if the applicant or holder:

(1) Is unable to obtain a variance from the Federal Motor Carrier Safety Administration;

(2) Operates a commercial motor vehicle solely within the borders of this State; and

(3) Does not hold an endorsement obtained pursuant to 49 C.F.R. § 383.93 to operate ***double or triple trailers,*** a passenger vehicle, ***a tank vehicle,*** a school bus or a vehicle used to transport hazardous materials.

3. A holder of a commercial driver's license that contains an endorsement to operate a passenger vehicle, a school bus or a vehicle used to transport hazardous materials who is unable to obtain a medical examiner's certificate and operates a commercial motor vehicle solely within the borders of this State must:

(a) Remove the endorsement and apply for a waiver pursuant to NAC 483.8031;

(b) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in nonexcepted intrastate commerce and apply for a waiver pursuant to NAC 483.8031;

(c) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce; or

(d) Apply to the Department for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive.

4. A holder of a commercial driver's license whose variance issued by the Federal Motor Carrier Safety Administration has been removed or rescinded must:

(a) If he or she wishes to continue operating a commercial motor vehicle:

(1) Provide a current medical examiner's certificate indicating that the health of the holder is such that he or she does not require, or no longer requires, a waiver or variance to operate a commercial motor vehicle;

(2) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in nonexcepted intrastate commerce and apply for a waiver pursuant to NAC 483.8031; or

(3) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce; or

(b) If he or she wishes to operate only a noncommercial motor vehicle, apply to the Department for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive.

5. A person who applies for, or currently holds, a commercial driver's license ~~[, commercial driver's license instruction permit]~~ or commercial learner's permit and who operates a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce is not required to comply with the provisions of subsection 1.

6. An applicant who is unable to meet the standards for hearing set forth in 49 C.F.R. § 391.41(b)(11) is not eligible for a waiver issued by the Department, but may apply to the Federal Motor Carrier Safety Administration for a variance.

Sec. 26. NAC 483.8013 is hereby amended to read as follows:

483.8013 Before a medical examiner's certificate issued to a holder of a commercial driver's license ~~[, commercial driver's license instruction permit]~~ or commercial learner's permit expires, the Department may provide to the holder a notice that:

1. His or her medical examiner's certificate is due to expire;

2. He or she must:

(a) Undergo a new medical examination ~~[and provide to the Department a copy of the]~~ ***to obtain a*** new medical examiner's certificate; ***or***

(b) Change his or her self-certification pursuant to NAC 483.801 to a type of commerce that does not require a medical examiner's certificate; ~~[or~~

~~(c) Appear in person at an office of the Department and apply for a noncommercial driver's license pursuant to NRS 483.010 to 483.630, inclusive, removing the commercial driving privilege;]~~ and

3. He or she may be subject to the ~~[cancellation]~~ ***downgrade by removal*** of his or her ~~[commercial driver's license, commercial driver's license instruction permit or commercial learner's permit]~~ ***privilege to operate a commercial motor vehicle*** for failing to perform one of the actions described in subsection 2.

Sec. 27. NAC 483.8014 is hereby amended to read as follows:

483.8014 1. A person ~~[who fails]~~ ***is subject to the downgrade by removal of his or her privilege to operate a commercial motor vehicle for failure*** to comply with:

(a) The requirements of paragraph (a) of subsection 1 of NAC 483.801 **.** ~~[is subject to a cancellation of his or her commercial driver's license, commercial driver's license instruction permit or commercial learner's permit.]~~

(b) The requirements of paragraph (b) of subsection 1 of NAC 483.801 ~~[on or before January 30, 2014,]~~ or ~~[who operates]~~ ***for operating*** a commercial motor vehicle outside of the type of commerce for which the person ~~[, on or after January 30, 2014,]~~ self-certified pursuant to NAC 483.801 **.** ~~[, is subject to a cancellation of his or her commercial driver's license, commercial driver's license instruction permit or commercial learner's permit.]~~

(c) The provisions of subsection 3 or 4 of NAC 483.8012 **.** ~~[is subject to a cancellation of his or her commercial driver's license, commercial driver's license instruction permit or commercial learner's permit.]~~

2. In addition to any penalty provided in the provisions adopted by reference in NAC 483.800, a person who holds a commercial driver's license ~~[, commercial driver's license instruction permit]~~ or commercial learner's permit with an expired medical examiner's certificate is subject to ~~[cancellation]~~ ***the downgrade by removal*** of his or her ~~[commercial driver's license, commercial driver's license instruction permit or commercial learner's permit.]~~ ***privilege to operate a commercial motor vehicle.***

3. A person whose ~~[commercial driver's license, commercial driver's license instruction permit or commercial learner's permit is cancelled]~~ ***privilege to operate a commercial motor vehicle is downgraded by removal*** pursuant to this section ~~[shall]~~ ***may*** surrender his or her commercial driver's license ~~[, commercial driver's license instruction permit]~~ or commercial learner's permit to the Department ~~[.]~~ ***for a noncommercial driver's license.***

4. To reinstate ***the privilege to operate a commercial motor vehicle to*** a commercial driver's license ~~[, commercial driver's license instruction permit]~~ or commercial learner's permit after ~~[cancellation,]~~ ***downgrade by removal,*** a person must ***:*** ~~[pay the reinstatement fees established in NRS 483.910 and:]~~

(a) ~~[Present]~~ ***Obtain*** a current medical examiner's certificate ***;*** ~~[to the Department;]~~ or

(b) Self-certify pursuant to NAC 483.801 that he or she intends to operate a commercial motor vehicle only in excepted interstate commerce or excepted intrastate commerce.

Sec. 28. NAC 483.803 is hereby amended to read as follows:

483.803 1. A person who is not physically qualified to operate a commercial motor vehicle pursuant to 49 C.F.R. § 391.41, but who is otherwise qualified to operate a commercial

motor vehicle, may apply to the Department for a waiver of the physical requirements with which the person does not comply.

2. An applicant for a waiver of one or more of the physical requirements described in subsection 1 must submit to the Department an application on a form prescribed by the Department. The application must include:

(a) The applicant's full legal name, date of birth, address of principal residence, telephone number, social security number and driver's license number;

(b) The type of vehicle the applicant will operate;

(c) The type of commodities or cargo the applicant will transport;

(d) The type of transmission, braking system and steering system of the vehicle which the applicant will operate;

(e) Whether the applicant is self-employed, employed by a motor carrier or unemployed as a commercial driver;

(f) Information relating to the driving history of the applicant, including, without limitation, the number of years the applicant has been licensed to drive a commercial motor vehicle and the number of years he or she has operated the type of vehicle for the operation of which he or she is requesting a license;

(g) If the applicant is or will be employed by a motor carrier, the name and address of the motor carrier; and

(h) A description of any modifications made to the vehicle for the driver.

3. The application must be submitted to the Department of Motor Vehicles, ~~[810 East Greg Street, Sparks,]~~ ***890 Trademark Drive, Reno,*** Nevada ~~[89431.]~~ ***89521.***

Sec. 29. NAC 483.8031 is hereby amended to read as follows:

483.8031 1. An applicant for a waiver of one or more of the physical requirements described in 49 C.F.R. § 391.41 must submit to the Department with his or her application:

(a) ~~[A copy of a medical examination required pursuant to paragraph (e) of 49 C.F.R. § 391.43;~~

~~(b)]~~ A copy of a medical certificate required pursuant to 49 C.F.R. § 391.43; and

~~[(c) A]~~

(b) If the applicant suffers from a physical impairment, a medical evaluation signed by a physician on a form prescribed by the Department ~~[if the applicant suffers from a physical impairment or by a physician or optometrist if the applicant suffers from a visual impairment. The medical evaluation]~~ ***which*** must:

(1) ~~[Identify and describe the visual or physical impairment of the applicant;~~

~~(2) Indicate whether the applicant's condition is stable or progressive;~~

~~(3) Certify that the applicant is able to operate a commercial motor vehicle;~~

~~(4) Certify that the vision of the applicant is at least 20/40, corrected or uncorrected, in at least one eye if the applicant suffers from a visual deficiency;~~

~~(5)]~~ If a limb of the applicant has been amputated or otherwise impaired, assess the physical capabilities of the applicant as they relate to his or her ability to perform the tasks specified in the description of the applicant's job which the applicant must provide to the physician;

~~[(6)]~~ ***(2)*** If the applicant wears a prosthetic or orthotic device, include a description of the manner in which the prosthetic or orthotic device operates; and

~~[(7)]~~ ***(3)*** If the applicant suffers from epilepsy or any other condition which is likely to cause loss of consciousness or any loss of the ability to control a commercial motor vehicle safely **,** ~~[or if the applicant is diabetic and dependent upon insulin,]~~ indicate the date of his or her most recent seizure and whether:

(I) The seizure was an isolated incident;

(II) Additional seizures are likely to occur; and

(III) The prescribed medication will interfere with the person's ability to operate a motor vehicle.

2. An applicant who suffers epilepsy or any other condition which is likely to cause loss of consciousness or any loss of the ability to control a commercial motor vehicle safely ~~[, or is diabetic and dependent upon insulin,]~~ will not be issued a waiver unless:

(a) The applicant has not suffered any fainting or dizzy spells, seizures or other similar disorders for at least 1 year immediately preceding the date the Department receives the application; and

(b) A physician's diagnosis of the applicant's condition and its effect on the person's ability to operate a motor vehicle safely has been submitted to the Department.

3. An applicant for a waiver who wears a prosthetic or orthotic device must demonstrate his or her ability to operate safely the type of motor vehicle the applicant intends to operate. The Department may require any other applicant to demonstrate his or her ability to operate safely the type of motor vehicle the applicant intends to operate if the Department determines that such a demonstration is necessary.

4. Any information that is submitted to the Department pursuant to NAC 483.799 to 483.850, inclusive, ***and sections 3, 4 and 5 of this regulation*** is privileged and may be released only upon the written consent of the applicant or pursuant to a court order.

5. A person who has diabetes mellitus treated with insulin is not required to obtain a waiver pursuant to this section or undergo a medical examination pursuant to 49 C.F.R. § 391.43 unless he or she self-certifies that he or she intends to drive in nonexcepted interstate commerce or nonexcepted intrastate commerce pursuant to NAC 483.801.

Sec. 30. NAC 483.807 is hereby amended to read as follows:

483.807 1. A person who wishes to apply to the Department for a ~~[commercial driver's license instruction permit or]~~ commercial learner's permit may apply to the Department for a waiver of the physical requirements described in 49 C.F.R. § 391.41 in the same manner as prescribed for a person who wishes to apply for a commercial driver's license.

2. A waiver issued to a person who wishes to obtain a ~~[commercial driver's license instruction permit or]~~ commercial learner's permit is subject to the same conditions and restrictions as a waiver issued to an applicant who wishes to obtain a commercial driver's license.

Sec. 31. NAC 483.810 is hereby amended to read as follows:

483.810 In addition to complying with the requirements of NRS 483.290, an application for a ~~[commercial driver's instruction permit,]~~ commercial learner's permit or a commercial driver's license must comply with the requirements of 49 C.F.R. § 383.23.

Sec. 32. NAC 483.815 is hereby amended to read as follows:

483.815 If an application for a ~~[commercial driver's instruction permit,]~~ commercial learner's permit or a commercial driver's license is received from a person previously licensed in another state, the application is subject to the requirements of NRS 483.295.

Sec. 33. NAC 483.825 is hereby amended to read as follows:

483.825 The Department will not issue a commercial driver's license or commercial learner's permit pursuant to NRS 483.900 to 483.940, inclusive, to a person:

1. Who is under 21 years of age, unless the following restrictions are applied to the license or permit:

(a) A restriction limiting operation to intrastate operation; and

(b) A prohibition against the transportation of either hazardous materials or passengers under "Restriction R" as set forth in NAC 483.360;

2. Who does not meet the requirements of 49 C.F.R. §§ 391.41 to 391.49, inclusive, for operating a commercial motor vehicle;

3. Whose driver's license is revoked, suspended or subject to disqualification;

4. Who has not passed the required examinations;

5. Who fails to comply with the requirements of NAC 483.801; ~~[or]~~

6. Who, in the opinion of the Administrator upon good cause and belief, would not be able to drive safely a commercial motor vehicle on the highways ~~[.]~~ ***;***

7. Who must use a bioptic telescopic lens to operate a noncommercial vehicle; or

8. Who has been placed in a prohibited status as determined by the Department in response to a query of the Drug and Alcohol Clearinghouse of the Federal Motor Carrier

Safety Administration of the United States Department of Transportation pursuant to section 4 of this regulation.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R088-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 483.

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

Senate Bill 66 was passed during the 2023 Legislative Session and related to establishing certain criteria for disqualification of commercial driving privileges in certain circumstances. The bill further authorizes DMV to adopt regulations relating to these provisions and the draft language here is the result of that. Section 2 of the proposed language relates to utilization of the federal Drug and Alcohol Clearinghouse (DACH) when reviewing a person's CDL or learner's permit when considering downgrading of a person's credentials based on clearinghouse results. Additional sections perform the following: revises provisions regarding waiver of knowledge and skills tests for CDL's under certain circumstances; make changes to medical examiner's certificates and their issuance in certain circumstances; includes new language regarding a definition for 'downgrade by removal'; makes a minor change to the physical location address of the DMV office in Reno, and; revises certain language related to self-certification of certain physical conditions.

Additionally, the proposed regulations clarify further provisions that have been developed by staff intended to revise and clean up text in chapter 483 of the NAC regarding issuance and revocation of commercial driver's licenses, activities of certifiers for skills testing and provisions regarding certain physical requirements for operating commercial motor vehicles. Overall, by implementing these elements, the Department and State will be working to enhance highway safety, allow employers to gain increased operational efficiencies and work to promote driver accountability.

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

Comments were solicited using electronic mail and postings for both the Workshop and the Hearing, and during the public meetings themselves. During the process of posting during the workshop and hearing phases, especially during the hearing phase, the Department did interact and receive feedback from industry participants on the draft language that was developed; comments were received and responded to by staff and during the hearing meeting itself. Language was also

made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm. Persons who would like a copy of the proceedings and comments for this process may contact the Research and Project Management Division of the Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711; email mhefner@dmv.nv.gov.

3. **The number of persons who:**
(a) Attended each hearing (remote meetings held via Webex and GoToMeeting, no physical location was held for these):

1. **Workshop - ___1___**

2. **Hearing ___0___**

(b) Testified at the hearing- 0

(c) Submitted to the agency written statements- 0

4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity of organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

See attached Exhibit A

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.**

Comment from interested participants was obtained through the workshops and hearings held on the topic, and during notification periods when the public meetings were posted. Other persons wishing to obtain a summary of the regulations adoption proceedings may contact:

Department of Motor Vehicles
Attn: Research and Project Management Division
555 Wright Way
Carson City, NV 89711
Southern NV- (702) 486-4368
Northern NV- (775) 684-4368
Email: mhefner@dmv.nv.gov

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 Department solicited public comment on the proposed regulation language at both the workshop and hearing and ultimately adopted the language without any requested changes.

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

(a) Business:

i. Both adverse and beneficial effects; and

ii. Both immediate and long-term effects.

These regulations are anticipated to have an overall beneficial impact to the commercial motor vehicle (CMV) business community in the following areas: (1) Streamlining pre-employment screening: Employers can quickly and easily access a prospective driver's full drug and alcohol violation history via a single database query; (2) Ensuring compliance: The Clearinghouse makes it easier for employers to meet their federal testing, investigation, and reporting obligations, which helps them avoid legal penalties and fines for non-compliance; (3) Aids in effective monitoring: Employers can conduct mandatory annual queries to continuously monitor the compliance status of their current drivers and receive real-time notifications of any new violations, and; (4) Protecting company reputation and liability: By consistently verifying driver eligibility, companies safeguard their reputation and mitigate liability associated with hiring drivers with substance abuse issues.

Immediate: provides easily accessible database access for drivers and users to view and access records and provide necessary consent to current or prospective employers. It will also work to clear a path to reinstatement for those drivers that have had drug or alcohol abuse issues on their record, allows for a downgrade in credentials without losing driving privileges altogether, and allows for access to a structured procedure to regain their commercial driving privileges once they've met the requirements.

Long-term: overall, adherence to the more stringent rules and provisions will act as a deterrent and encourage drivers to maintain a drug-and alcohol-free status to protect their well-paying careers and standing among the professional driver community.

(b) Public:

i. Both adverse and beneficial effects; and

ii. Both immediate and long-term effects.

No adverse impact to the general public is estimated; Nevada overall will benefit from having drug-free and qualified CMV drivers operating their vehicles and make Nevada roads safer by preventing recurrences of this type of poor behavior.

Through adoption of these provisions, the immediate and long-term effects to the general public would be to: work to eliminate previous problems with drivers concealing violations by changing employers or moving to a different state/jurisdiction, records can now follow their CDL information nationwide; provide real-time information to law enforcement and roadside inspectors to verify eligibility and compliance. Longer term, these regulations will work to: keep unsafe drivers off of the road by preventing drivers with unresolved drug/alcohol violations from operating CMV's in the state, and; reducing accidents by ensuring only qualified, unimpaired drivers are on the road.

8. The estimated cost to the agency for enforcement of the adopted regulation. The Department incurs a standard amount of costs ($342.00) for the general development of regulations. There is no anticipated additional cost to the Department for the enforcement of the adopted regulations.

9. A description of any regulations of other state or government agencies that 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.

Adoption of these regulations will bring Nevada into conjunction with the efforts of the Federal Motor Carrier Safety Administration (FMSCA) and other state jurisdictions' usage of the Drug and Alcohol Clearinghouse, and do not overlap or exceed federal rulemaking.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable

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.

No additional fees or revenue are expected to be received due to the adoption of these regulations.

EXHIBIT A

Attendees at Public Workshops/Hearings for R088-24

Name	Organization	Address	Phone Number	Email	Testified? (Y/N)
Jessi Ames	N/A (attending as member of general public, husband has CDL, wanted to observe proceedings)	Battle Mtn. NV	N/A	N/A	N

Joe Lombardo
Governor

Tonya Laney
Director

Department of Motor Vehicles
555 Wright Way
Carson City, Nevada 89711-0001
Telephone (775) 684-4368

March 3, 2026

Regulation Small Business Impact Statement

LCB File No. R088-24 (Revisions to DUI Instruction Curriculum)

As required by Nevada Revised Statute (NRS) 233B.0609, a small business impact analysis was completed to determine what, if any, impact the proposed regulation would have on businesses.

1. 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.

Comments were solicited using electronic mail and postings for both the Workshop and the Hearing. No suggestions for change were offered at either workshop or hearing, and no requested changes were submitted to the Department during the process. Notifications were also sent out by electronic mail to industry contacts that the Department keeps on record. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm. Persons who would like a copy of the proceedings and comments for this process may contact the Research and Project Management Division of the Department of Motor Vehicles, 555 Wright Way, Carson City, NV 89711; email mhefner@dmv.nv.gov.

2. Describe the manner in which the analysis was conducted.

Senate Bill 66 was passed during the 2023 Legislative Session and related to establishing certain criteria for disqualification of commercial driving privileges in certain circumstances. The bill further authorizes DMV to adopt regulations relating to these provisions and the draft language here is the result of that. The proposed language relates to utilization of the federal Drug and Alcohol Clearinghouse (DACH) when reviewing a person's CDL or learner's permit when considering downgrading of a person's credentials based on clearinghouse results. Additional sections perform the following: revises provisions regarding waiver of knowledge and skills tests for CDL's under certain circumstances; make changes to medical examiner's certificates and their issuance in certain circumstances; includes new language regarding a definition for 'downgrade by removal'; makes a minor change to the physical location address of the DMV office in Reno, and; revises certain language related to self-certification of certain physical conditions.

Additionally, the proposed regulations clarify further provisions that have been developed by staff intended to revise and clean up text in chapter 483 of the NAC regarding issuance and revocation of commercial driver's licenses, activities of certifiers for skills testing and provisions regarding certain physical requirements for operating commercial motor vehicles. Overall, by implementing these elements, the Department and State will be working to enhance highway safety, allow employers to gain increased operational efficiencies and work to promote driver accountability.

3. The estimated direct and indirect effects on the small business which this language is to regulate

a. Business adverse and beneficial effects

These regulations are anticipated to have an overall beneficial impact to the commercial motor vehicle (CMV) business community in the following areas: (1) Streamlining pre-employment screening: Employers can quickly and easily access a prospective driver's full drug and alcohol violation history via a single database query; (2) Ensuring compliance: The Clearinghouse makes it easier for employers to meet their federal testing, investigation, and reporting obligations, which helps them avoid legal penalties and fines for non-compliance; (3) Aids in effective monitoring: Employers can conduct mandatory annual queries to continuously monitor the compliance status of their current drivers and receive real-time notifications of any new violations, and; (4) Protecting company reputation and liability: By consistently verifying driver eligibility, companies safeguard their reputation and mitigate liability associated with hiring drivers with substance abuse issues.

(1) Immediate and long-term effects.

Immediate: provides easily accessible database access for drivers and users to view and access records and provide necessary consent to current or prospective employers. It will also work to clear a path to reinstatement for those drivers that have had drug or alcohol abuse issues on their record, allows for a downgrade in credentials without losing driving privileges altogether, and allows for access to a structured procedure to regain their commercial driving privileges once they've met the requirements.

Long-term: overall, adherence to the more stringent rules and provisions will act as a deterrent and encourage drivers to maintain a drug-and alcohol-free status to protect their well-paying careers and standing among the professional driver community.

b. Public adverse and beneficial effects

No adverse impact to the general public is estimated; Nevada overall will benefit from having drug-free and qualified CMV drivers operating their vehicles and make Nevada roads safer by preventing recurrences of this type of poor behavior.

(1) Both immediate and long-term effects.

Through adoption of these provisions, the immediate and long-term effects to the general public would be to: work to eliminate previous problems with drivers concealing violations by changing employers or moving to a different state/jurisdiction, records can now follow their CDL information nationwide; provide real-time information to law enforcement and roadside inspectors to verify eligibility and compliance. Longer term, these regulations will work to: keep unsafe drivers off of the road by preventing drivers with unresolved drug/alcohol violations from operating CMV's in the state, and; reducing accidents by ensuring only qualified, unimpaired drivers are on the road.

4. The estimated cost to the agency for enforcement of the adopted regulation.

The Department incurs a standard amount of costs ($342.00) for the general development of regulations. There is no anticipated additional cost to the Department for the enforcement of the adopted regulations.

5. A description of any regulations of other state or government agencies that 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.

Adoption of these regulations will bring Nevada into conjunction with the efforts of the Federal Motor Carrier Safety Administration (FMSCA) and other state jurisdictions' usage of the Drug and Alcohol Clearinghouse, and do not overlap or exceed federal rulemaking.

6. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable.

7. 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.

No additional fees or revenue are expected to be received due to adoption of these regulations.

8. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses

As a result of not receiving any negative feedback or suggested changes from business listing the impacts they could experience, the Department has determined the provisions in these regulations will not impose an adverse economic burden on small businesses, nor will they restrict the formation, operation or expansion of a small business.

I certify that to the best of my knowledge or belief, concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Tonya Laney, Director

3-30-26
Date

ADOPTED REGULATION OF THE

PUBLIC UTILITIES COMMISSION OF NEVADA

LCB File No. R182-24

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

AUTHORITY: §§ 1-25, NRS 704.762.

A REGULATION relating to electric utilities; establishing requirements and procedures for the filing of an alternative rate-making application by an electric utility; establishing evaluation criteria and procedures for the review and approval or disapproval by the Public Utilities Commission of Nevada of such an application; establishing requirements for an electric utility that operates pursuant to an alternative rate-making plan; requiring an electric utility to file a petition to adopt a list of goals and outcomes that an alternative rate-making plan should seek to achieve; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an electric utility to apply to the Public Utilities Commission of Nevada to establish an "alternative rate-making plan," or a plan to implement one or more rate-making mechanisms to be used in addition to or in lieu of the rate-making process otherwise established for public utilities. (NRS 704.7612, 704.7621) The Commission is required to adopt regulations establishing procedures for such an application and the evaluation of an alternative rate-making plan. (NRS 704.762)

Sections 2-12 of this regulation define terms related to alternative rate-making plans.

Section 13 of this regulation requires an alternative rate-making application to be filed concurrently with a general rate application. **Section 13** authorizes an electric utility that has previously submitted at least two alternative rate-making applications to seek a waiver from the Commission of the requirement to submit an alternative rate-making application concurrently with a general rate application.

Section 14 of this regulation requires an electric utility to meet and confer with personnel from the Bureau of Consumer Protection in the Office of the Attorney General, the Regulatory Operations Staff of the Commission and any other interested person not less than 45 days before the anticipated filing date of an alternative rate-making plan and to attempt to reach an agreement on certain matters relating to the filing, including the review of any existing alternative rate-making plan.

Section 15 of this regulation authorizes the Commission to extend the time to act upon an alternative rate-making application upon its own motion or at the request of certain parties. **Section 15** authorizes an electric utility to accept or reject a modification to its proposed alternative rate-making plan by filing a notice with the Commission and provides that, if a modification to the proposed alternative rate-making plan is rejected, the plan is deemed withdrawn.

Section 16 of this regulation sets forth the burden of proof which an electric utility that files an alternative rate-making application must sustain and requires the material in the application to be of such composition, scope and format that it would serve as the complete case of the electric utility in a hearing.

Section 17 of this regulation prescribes the required contents of an alternative rate-making application.

Section 18 of this regulation sets forth the burden of proof which must be sustained by an electric utility that seeks to modify the frequency of general rate application filings and prescribes the contents of an order approving a multi-year rate plan or other alternative rate-making mechanism that modifies the frequency of general rate application filings. **Section 18** also prohibits an electric utility that is operating under an alternative rate-making plan from filing a general rate application or proposing to terminate its alternative rate-making plan without approval from the Commission.

Sections 11 and 19 of this regulation provide terms for certain mechanisms, known as off-ramps, which may prompt the re-evaluation, amendment or termination of an alternative rate-making plan and which the Commission may include in an order approving an alternative rate-making application.

Section 20 of this regulation requires an electric utility operating pursuant to an alternative rate-making plan to file an annual update to the plan and to hold a consumer session to solicit comments from the public if the annual update has the potential to affect rates.

Section 21 of this regulation authorizes an electric utility to file an amendment to an alternative rate-making plan under certain circumstances.

Section 22 of this regulation establishes the criteria the Commission will use to evaluate an alternative rate-making application and requires an electric utility to state in the application whether the alternative rate-making plan and each alternative rate-making mechanism within the plan will support, contradict or be neutral with respect to the evaluation criteria. **Section 22** also requires an electric utility to include certain information in its application regarding the cost-benefit methodology used to determine whether an alternative rate-making mechanism satisfies the evaluation criteria and authorizes certain persons to propose the use of an alternative cost-benefit methodology.

Section 23 of this regulation requires each electric utility to file a petition to adopt a list of goals and outcomes that alternative rate-making plans should seek to achieve after soliciting input from stakeholders regarding the appropriate goals and outcomes to include. **Section 23** requires each electric utility, on a biennial basis, to file a petition to update the list of goals and outcomes or file a notice that no changes are necessary.

Section 24 of this regulation provides that the Commission will conduct a consumer session, in coordination with an electric utility that has filed an alternative rate-making

application. **Section 24** requires an electric utility to take certain steps to educate customers regarding any proposed alternative rate-making mechanism that has not been previously approved by the Commission.

Section 25 of this regulation requires an electric utility that has an alternative rate-making plan approved by the Commission to retain certain information and records.

Section 1. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 25, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 25, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Alternative rate-making application" means an application for the approval of an alternative rate-making plan submitted pursuant to NRS 704.7621 and section 13 of this regulation.***

Sec. 4. ***"Alternative rate-making mechanism" has the meaning ascribed to it in NRS 704.7611 and does not include an existing alternative rate-making mechanism unless the existing alternative rate-making mechanism has been designated as an alternative rate-making mechanism in an order of the Commission.***

Sec. 5. ***"Deadband" means a range approved by the Commission around a performance target within which the performance of an electric utility is deemed reasonable, for which performance the electric utility does not receive a reward or penalty and which recognizes the inherent uncertainty or margin of error in measuring and calculating a given benchmark or baseline.***

Sec. 6. ***"Existing alternative rate-making mechanism" includes, without limitation:***

1. Any schedule, tariff or rate rider approved by the Commission that applies only to a select set of residential or nonresidential customers and is not applicable to an entire class of service or class of customers;

2. Any time-of-use rate for residential or nonresidential customers;

3. An earnings-sharing mechanism;

4. An electric utility investment support mechanism, including, without limitation, any incentive for critical facilities, rate-based construction work in progress, enhanced return on allowance for funds used during construction and regulatory assets and liabilities;

5. Any decoupling or lost revenue adjustment mechanism approved in accordance with regulations adopted pursuant to NRS 704.785;

6. Any financial incentive awarded to an electric utility for the implementation of an energy efficiency and conservation program;

7. Any mitigation for the impact of imputed debt on the capital structure of the electric utility approved by the Commission pursuant to NAC 704.88875; and

8. Any recovery of expenses associated with the issuance or maintenance of a variable-rate security approved by the Commission pursuant to NRS 704.324.

Sec. 7. *"Greenhouse gas emissions" means the emission of any greenhouse gas, as defined in NRS 445B.137.*

Sec. 8. *"Historically underserved community" has the meaning ascribed to it in NRS 704.78343.*

Sec. 9. *"Low-income household" has the meaning ascribed to it in NRS 704.78347.*

Sec. 10. ***"Metric" means the data or analysis used to set a performance benchmark, deadband or incentive level or to track and evaluate the progress of an electric utility towards an outcome or specified performance.***

Sec. 11. ***"Off-ramp" means a mechanism approved by the Commission in an alternative rate-making plan to authorize or require, under specific circumstances:***

1. A petition to be submitted to the Commission to determine whether the alternative rate-making plan continues to serve the public interest;

2. An electric utility to file an amendment to the alternative rate-making plan;

3. The alternative rate-making plan to terminate and the electric utility to file a general rate application pursuant to NRS 704.110 within a specified time period; or

4. The Commission, in its discretion, to order an electric utility to file a general rate application or an amendment to the alternative rate-making plan.

Sec. 12. ***"Performance incentive mechanism" means a mechanism proposed during an alternative rate-making proceeding and approved by the Commission that:***

1. Provides a specific incentive or disincentive, which may be symmetrical or asymmetrical, and in monetary or any other form, based on an electric utility's achievement of benchmarks, metrics or measurements of performance approved by the Commission;

2. Is based on actual or statistical methods of measuring whether an electric utility has achieved benchmarks or measurements of performance approved by the Commission; and

3. Is subject to reasonable conditions or limitations approved by the Commission.

Sec. 13. *1. Except as otherwise provided in subsection 2, an alternative rate-making application filed by an electric utility must be filed concurrently with a general rate application filed pursuant to NRS 704.110.*

2. An electric utility that has previously submitted at least two alternative rate-making applications may petition the Commission for a waiver of the requirement in subsection 1 that an alternative rate-making application be filed concurrently with a general rate application. The Commission may grant a petition filed pursuant to this subsection if the electric utility demonstrates with reasonable justification that:

(a) The rates adopted through the alternative rate-making plan of the electric utility will be comparable to rates established pursuant to NRS 704.110, as demonstrated with evidence that includes, without limitation, an embedded class cost-of-service study;

(b) The filing of a new alternative rate-making application is administratively efficient and will benefit ratepayers as compared to the filing of a general rate application pursuant to NRS 704.110; or

(c) The alternative rate-making application will include evidence that is equivalent to or consistent with the evidentiary requirements for a general rate application filed pursuant to NRS 704.110.

3. The Commission will issue an order granting, with or without modifications, or denying a petition filed pursuant to subsection 2 within 90 days after the receipt of the petition.

4. As used in this section, "reasonable justification" means evidence sufficient for the Commission to find that a given claim of an electric utility is verifiably true and accurate.

Sec. 14. *1. An electric utility shall meet and confer with personnel from the Bureau of Consumer Protection in the Office of the Attorney General, the Regulatory Operations Staff of the Commission and any other interested person not less than 45 days before the anticipated date for filing an alternative rate-making plan with the Commission. The electric utility shall provide advance notice of the meeting in a manner that is reasonably calculated to inform potentially interested persons.*

2. If an alternative rate-making plan is filed concurrently with a general rate application pursuant to NRS 704.110, the meeting conducted pursuant to this section must be conducted separately from the meeting required by NAC 703.2209.

3. At the meeting conducted pursuant to this section, the electric utility shall provide information regarding the alternative rate-making application, including, without limitation:

(a) Information about the design of the proposed alternative rate-making mechanisms;

(b) Whether the electric utility intends to propose any performance incentive mechanisms in the alternative rate-making application;

(c) A description of how the alternative rate-making application deviates from traditional rate-making principles generally understood in the industry and provided for in any relevant statutes and regulations governing electric utilities, including, without limitation, NRS 704.110 and NAC 703.2201 to 703.2481, inclusive;

(d) Expected changes to the cost of capital, depreciation, cost of service or rate design that will be proposed in the alternative rate-making application, as compared to the immediately preceding general rate application or alternative rate-making application of the electric utility; and

(e) If the electric utility has not filed a general rate application in the immediately preceding 2 years or the Commission has granted a petition filed pursuant to subsection 2 of section 13 of this regulation, the information that the electric utility will be filing to demonstrate that the rates proposed in the alternative rate-making application are comparable to the rates that would be adopted in a general rate case pursuant to NRS 704.110.

4. The electric utility shall include in the alternative rate-making application the information provided at the meeting conducted pursuant to this section and a detailed description of any changes to the alternative rate-making application made as a result of the meeting.

5. The electric utility, the Bureau of Consumer Protection in the Office of the Attorney General and the Regulatory Operations Staff of the Commission shall discuss and attempt to reach an agreement on:

(a) A plan and schedule for discovery, and methods of minimizing the duplication of discovery requests.

(b) Guidelines for a preliminary plan for conducting audits. The guidelines must address all matters relating to the audits, including, without limitation:

(1) The timing of the audits and any necessary meetings to coordinate audits conducted on-site, whether within or outside this State, by the Regulatory Operations Staff of the Commission and specialized personnel from the electric utility and the Bureau of Consumer Protection in the Office of the Attorney General.

(2) The number of persons representing each interest who will participate in the audits.

(3) The facilities and supplies that the auditors will need at the locations of the audits.

(c) The use of agreements for the confidentiality of information.

(d) The items on the master document for the request of data that are applicable to the alternative rate-making plan and which the electric utility must provide upon the filing of its alternative rate-making application.

(e) The need for and timing of future meetings, including, without limitation, meetings regarding settlement conferences.

6. If the rates of the electric utility are subject to an existing alternative rate-making plan approved by the Commission, the electric utility, the Bureau of Consumer Protection in the Office of the Attorney General and the Regulatory Operations Staff of the Commission shall confer and make a good faith effort to reach an agreement on the development of guidelines for the examination and review of the currently effective alternative rate-making plan. The guidelines must address all matters relating to the review of any necessary books, records and data, including, without limitation:

(a) The timing of the review of any necessary books, records and data of the electric utility and any necessary meetings to coordinate reviews conducted at the same site, whether within or outside of this State, by the Regulatory Operations Staff of the Commission and specialized personnel from the electric utility and the Bureau of Consumer Protection in the Office of the Attorney General;

(b) The number of persons representing each interest who will participate in the review of any necessary books, records and data of the electric utility;

(c) The facilities and supplies that the Bureau of Consumer Protection in the Office of the Attorney General and the Regulatory Operations Staff of the Commission will need at the locations of the reviews; and

(d) Whether the Bureau of Consumer Protection in the Office of the Attorney General or the Regulatory Operations Staff of the Commission will need access to any specialized modeling programs or software used by the electric utility in support of its currently effective alternative rate-making plan.

7. If the provisions of subsection 6 apply and the electric utility, the Bureau of Consumer Protection in the Office of the Attorney General and the Regulatory Operations Staff of the Commission cannot reach an agreement pursuant to that subsection, the presiding officer may prescribe the guidelines for the examination and review of the currently effective alternative rate-making plan.

Sec. 15. *1. Pursuant to subsection 2 of NRS 704.7621, the Commission may extend the time to act upon an alternative rate-making application by not more than 90 days, upon its own motion or at the request of:*

(a) An electric utility;

(b) The Bureau of Consumer Protection in the Office of the Attorney General;

(c) The Regulatory Operations Staff of the Commission; or

(d) Any person granted leave to intervene in the alternative rate-making application proceeding.

2. If the Commission issues an order pursuant to NRS 704.7621 approving, with modifications, the proposed alternative rate-making plan, the electric utility may accept or

reject the modified alternative rate-making plan by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order.

3. If the electric utility rejects the modified alternative rate-making plan pursuant to subsection 2, the alternative rate-making application shall be deemed withdrawn and:

(a) If the general rate application which was concurrently filed with the alternative rate-making application pursuant to NRS 704.110 is approved, in whole or in part, the otherwise applicable rates resulting from the approval of the general rate application shall take effect; or

(b) If no general rate application was concurrently filed with the alternative rate-making application because a petition for a waiver was granted pursuant to subsection 2 of section 13 of this regulation or if the general rate application which was concurrently filed with the alternative rate-making application is disapproved in whole, the rates which were most recently approved by the Commission remain in effect until changed or modified by the Commission, or pursuant to NRS 703.373 to 703.376, inclusive.

Sec. 16. *1. An electric utility that files an alternative rate-making application must be prepared to go forward at a hearing on the data which have been submitted and to sustain the burden of proof described in subsection 2. To avoid delay by the Commission in its consideration of the proposed changes, the applicant must ensure that the material included in the alternative rate-making application is of such composition, scope and format that it would serve as its complete case if the matter is set for hearing.*

2. An electric utility that files an alternative rate-making application must sustain the burden of proof of establishing that:

(a) Any changes proposed in the alternative rate-making plan are just and reasonable and not unduly discriminatory or preferential; and

(b) The alternative rate-making plan satisfies the criteria set forth in subsection 1 of section 22 of this regulation.

Sec. 17. *1. An alternative rate-making application must include all applicable statements and schedules described in NAC 703.2271 to 703.2452, inclusive, and be filed, if applicable, with supporting workpapers in paper and electronic executable file format. If the electric utility omits any statement or schedule described in NAC 703.2271 to 703.2452, inclusive, in the belief that it is not applicable, the electric utility shall provide a written explanation of the omission.*

2. At a minimum, an electric utility shall include in any alternative rate-making application:

(a) An embedded class cost-of-service study;

(b) An analysis estimating and comparing the rates that would be charged and the revenue that would be collected under the alternative rate-making plan proposed in the alternative rate-making application with the rates that would be charged and the revenue that would be collected through the rate-making process established by NRS 704.110; and

(c) Proposed off-ramps.

3. An electric utility shall provide the following supporting information for any existing alternative rate-making mechanism in its alternative rate-making application:

(a) A list of all existing alternative rate-making mechanisms previously approved by the Commission and the date and docket number of the proceeding in which each existing alternative rate-making mechanism was approved; and

(b) An update on the performance of each existing alternative rate-making mechanism, including, without limitation:

(1) The number of customers subject to any schedule, tariff or rate rider approved by the Commission that is in an existing alternative rate-making mechanism and an accounting of the revenues collected from such customers pursuant to the schedule, tariff or rider;

(2) The total dollar amount of electric utility investment support mechanisms or other incentives that qualify as existing alternative rate-making mechanisms paid to or that otherwise benefit an electric utility, the length of time for which the mechanisms or incentives are intended to continue and a full analysis of all customer rates affected by the mechanisms or incentives;

(3) A detailed description of each regulatory asset and liability, the docket number of the proceeding in which the regulatory asset or liability was approved, the amortization period that applies to the regulatory asset or liability and an estimate of the revenue and rate impact that the regulatory asset or liability will have on customer rates throughout the amortization period of the regulatory asset or liability;

(4) The status of any previously approved earnings-sharing mechanism, whether that mechanism has resulted in any earnings returned to customers and the amount of any such earnings;

(5) The status of any revenues collected pursuant to a decoupling or lost revenue adjustment mechanism approved in accordance with the regulations adopted pursuant to NRS 704.785; and

(6) Any other details regarding existing alternative rate-making mechanisms requested by the Commission, the Bureau of Consumer Protection in the Office of the Attorney General or the Regulatory Operations Staff of the Commission.

4. In addition to the embedded class cost-of-service study required by subsection 2, an electric utility may submit additional cost-of-service studies for consideration by the Commission.

5. Any alternative rate-making application that seeks a multi-year rate plan must include as part of the alternative rate-making plan an earnings-sharing mechanism that balances the interests of the ratepayers and shareholders of the electric utility. Nothing in this subsection shall be construed to prohibit the inclusion of an earnings-sharing mechanism in an alternative rate-making application that does not seek a multi-year rate plan or in any other type of proceeding.

6. Nothing in this section shall be construed to exempt an electric utility from the requirement to file a study of depreciation pursuant to NAC 703.276.

7. Unless otherwise ordered by the Commission, an electric utility is not required to file for approval of any existing alternative rate-making mechanism previously approved by the Commission.

Sec. 18. *1. If an electric utility files for approval of a multi-year rate plan or any other alternative rate-making mechanism that modifies the time between general rate application*

filings to a frequency other than at least once every 36 months as provided in NRS 704.110, the electric utility must demonstrate that the modified timeline:

(a) Serves the public interest;

(b) Results in just and reasonable rates over the proposed effective period of the rates; and

(c) Includes appropriate off-ramps that will ensure just and reasonable rates.

2. If the Commission approves a multi-year rate plan or any other alternative rate-making mechanism that modifies the time between general rate application filings to a frequency other than at least once every 36 months as provided in NRS 704.110, the order of the Commission approving the multi-year rate plan or other alternative rate-making mechanism must:

(a) Specify the time period that the alternative rate-making plan will be in effect;

(b) Establish off-ramps that would require the filing of a general rate application pursuant to NRS 704.110; and

(c) Set a deadline for an electric utility to file its next general rate application pursuant to NRS 704.110.

3. An electric utility that is operating under an approved alternative rate-making plan may not file a general rate application pursuant to NRS 704.110 or propose to terminate the alternative rate-making plan without specific authority from the Commission.

Sec. 19. *1. Except as otherwise provided in subsection 2 of section 18 of this regulation, the Commission may include in an order approving an alternative rate-making application one or more off-ramps selected by the Commission that may result in:*

(a) A requirement to file a new alternative rate-making application;

(b) A requirement to file a new general rate application pursuant to NRS 704.110;

(c) A requirement to reinstate rates approved in the last general rate case filed by the electric utility pursuant to NRS 704.110;

(d) A requirement for the electric utility to file an amendment to an existing alternative rate-making plan; or

(e) Any combination of the requirements listed in paragraphs (a) to (d), inclusive.

2. The Commission may provide for the triggering of an off-ramp by:

(a) Action taken by the Commission on its own initiative;

(b) Action of the Commission in granting a petition filed by the electric utility, the Bureau of Consumer Protection in the Office of the Attorney General, the Regulatory Operations Staff of the Commission or any customer of the electric utility who can demonstrate that the customer has been directly and substantially harmed by the alternative rate-making plan; or

(c) Information received in an annual update filed pursuant to section 20 of this regulation to the alternative rate-making plan of the electric utility.

3. A petition to trigger an off-ramp must adequately demonstrate that:

(a) Good cause exists to utilize the off-ramp; and

(b) The criteria established by the applicable approved alternative rate-making plan for that off-ramp have been met.

4. Off-ramps which the Commission may elect to include in an order approving an alternative rate-making application include, without limitation, the following scenarios:

(a) Earnings are significantly higher or lower than a deadband approved by the Commission around a specified return on equity such that the financial integrity of the electric utility is threatened, the balance between the interests of the shareholders and the

ratepayers of the electric utility is no longer maintained or future harm to ratepayers is anticipated;

(b) The electric utility is not achieving the metrics or performance incentive mechanisms specified by the Commission;

(c) Payments or incentives associated with performance incentive mechanisms are threatening the financial integrity of the electric utility or pose a risk of future harm to ratepayers;

(d) A force majeure or other events are threatening the financial integrity of the electric utility or pose a risk of future harm to ratepayers; or

(e) A restructuring, transfer of control, merger or other corporate-level change.

5. Any party to an alternative rate-making proceeding may propose one or more off-ramps not included in the underlying alternative rate-making application.

Sec. 20. *1. An electric utility operating pursuant to an approved alternative rate-making plan shall file an annual update to the alternative rate-making plan on the first Monday in June which occurs not less than 12 full calendar months after the implementation of the alternative rate-making plan and on the first Monday in June of each year thereafter until the alternative rate-making plan is discontinued or a new alternative rate-making plan is adopted.*

2. Each annual update filed pursuant to this section must include a narrative explanation of the manner in which the alternative rate-making plan is functioning. The explanation must separately address the manner in which the alternative rate-making plan as a whole and each alternative rate-making mechanism is affecting:

(a) The revenue of the electric utility;

(b) The costs of the electric utility, including, without limitation, the administrative costs of the electric utility;

(c) The creditworthiness of the electric utility;

(d) The reliability and resilience of electric service;

(e) Customer acceptance of the alternative rate-making plan;

(f) The achievement of metrics, performance incentive mechanisms and goals approved by the Commission;

(g) The reduction of greenhouse gas emissions;

(h) The balance of interests between customers and shareholders of the electric utility; and

(i) The interests of low-income households and historically underserved communities.

3. Each annual update must include data and workpapers to support the update in paper and electronic executable file format.

4. The Commission will use the data and information included in the annual update to determine if the electric utility is achieving the earnings-sharing mechanisms and performance incentive mechanisms approved by the Commission, if any such mechanisms are included in the alternative rate-making plan.

5. All progress towards the achievement of incentives in the alternative rate-making plan must be calculated in the annual update.

6. After an opportunity for a hearing, the Commission may issue an order adjusting any rate or schedule consistent with the terms of an approved alternative rate-making plan based upon the annual update.

7. The electric utility shall hold a consumer session to solicit comments from the public for any annual update that has the potential to affect rates.

Sec. 21. *An electric utility may file an amendment to an alternative rate-making plan that has been approved by the Commission only:*

1. If an off-ramp requires the filing of an amendment; or

2. The Commission directs the electric utility to file such an amendment, upon its own motion or in response to a petition from the electric utility, the Bureau of Consumer Protection in the Office of the Attorney General or the Regulatory Operations Staff of the Commission.

Sec. 22. *1. In evaluating whether to approve an alternative rate-making application, the Commission will consider whether the proposed alternative rate-making plan and each alternative rate-making mechanism contained therein, taken as a whole, will support, contradict or be neutral with respect to each of the following criteria:*

(a) Align an economically viable utility model with state public policy goals, including, without limitation, the reduction of greenhouse gas emissions;

(b) Provide for just and reasonable rates that are comparable to rates established pursuant to NRS 704.110;

(c) Enable electric service options that provide value to customers without imposing incremental net costs to customers;

(d) Foster statewide improvements to the economic and operational efficiency of the electrical grid;

(e) Further the public interest, including, without limitation, the promotion of safe, economic, efficient and reliable electric service to all customers of the electric utility;

(f) Enhance the resilience and security of the electrical grid while addressing concerns regarding customer privacy;

(g) Ensure that customers of the electric utility benefit from lower regulatory administrative costs where appropriate;

(h) Facilitate the research and development of innovative electric utility services and options to benefit customers;

(i) Balance the interests of customers and shareholders of the electric utility by providing services that customers want while preserving reasonable shareholder value; and

(j) Ensure that the interests of low-income households and historically underserved communities are meaningfully considered and that the economic interests of low-income households and historically underserved communities are addressed.

2. In demonstrating whether the proposed alternative rate-making mechanisms will support, contradict or be neutral with respect to the criteria listed in subsection 1, the electric utility shall:

(a) Describe the cost-benefit methodology the electric utility has relied upon in determining whether each alternative rate-making mechanism satisfies those criteria;

(b) Explain why the utility has chosen the selected cost-benefit methodology, including, without limitation, stating whether the selected methodology is externally validated and has been adopted by other states and explaining why the selected methodology is appropriate for evaluating the alternative rate-making mechanisms proposed by the electric utility; and

(c) Using the cost-benefit methodology chosen by the electric utility:

(1) Quantify the measurable costs and benefits of each alternative rate-making mechanism; or

(2) If insufficient data is available to quantify the measurable costs and benefits, state that insufficient data is available and explain why qualitative information should be considered by the Commission instead.

3. The Bureau of Consumer Protection in the Office of Attorney General, the Regulatory Operations Staff of the Commission and any party given leave to intervene in the proceeding may propose one or more alternative cost-benefit methodologies to be used in determining whether each alternative rate-making mechanism satisfies the criteria listed in subsection 1. Any such proposal must include a justification for the use of the proposed methodology supported by models that support the proposed methodology, filed in an electronic executable file format with documentation sufficient to reproduce the modeling results.

4. Using the evidence submitted pursuant to this section, the Commission will evaluate whether the alternative rate-making application is sufficient to support a finding that the alternative rate-making plan:

(a) Is in the public interest;

(b) Will result in just and reasonable rates;

(c) Protects the interests of the customers of the electric utility; and

(d) Supports, rather than being contradictory or neutral to, the criteria listed in subsection 1.

Sec. 23. *1. On or before May 1, 2026, each electric utility shall file with the Commission a petition, or joint petition with another electric utility, as applicable, to adopt a list of goals and outcomes that alternative rate-making plans should seek to achieve. The goals and outcomes should be consistent with one or more of the criteria listed in subsection 1 of section 22 of this regulation. The Commission will accept or reject the petition, or set the petition for further proceedings to consider modifications to the list of goals and outcomes.*

2. Not less than 30 days before filing a petition pursuant to subsection 1, an electric utility shall solicit input from and engage with stakeholders regarding the goals and outcomes to be included in the petition.

3. Upon notice and hearing, the Commission may consider and adopt modifications to the list of goals and outcomes included in any petition filed pursuant to subsection 1. Proceedings to consider and adopt modifications to the list may be initiated by the Commission or through a petition filed with the Commission.

4. A person who wishes to participate in a proceeding pursuant to this section must file a timely petition for leave to intervene pursuant to NAC 703.578 to 703.600, inclusive. A petition for leave to intervene must be filed with the Commission not later than 10 business days after the issuance of the notice of hearing pursuant to this section unless otherwise prescribed by the Commission. Any response to a petition for leave to intervene filed pursuant to this section must be filed with the Commission not later than 5 business days after the earlier of:

(a) The date of the deadline for filing a petition for leave to intervene; or

(b) The date on which the petition for leave to intervene was filed.

5. The Commission will publish on its Internet website each list of goals and outcomes approved by the Commission pursuant to this section.

6. The list of goals and outcomes in place at the time an alternative rate-making application is filed remains in effect for the duration of the resulting alternative rate-making plan, unless altered as the result of an off-ramp.

7. After the Commission approves a list of goals and outcomes pursuant to this section, on or before October 1 of each odd-numbered year thereafter, each electric utility shall file with the Commission:

(a) A petition or joint petition, as applicable, to adopt an updated list of goals and outcomes that alternative rate-making plans should seek to achieve, accounting for any necessary updates pursuant to changes in state policy; or

(b) An informational filing notifying the Commission that no changes are necessary to the adopted list of goals and outcomes that alternative rate-making plans should seek to achieve.

Sec. 24. *1. If an electric utility files an alternative rate-making application, the Commission, in coordination with the electric utility, will conduct at least one consumer session to educate customers about the alternative rate-making application and solicit comments from the public. The Commission may conduct more than one consumer session regarding any alternative rate-making application.*

2. If the alternative rate-making application of an electric utility proposes an alternative rate-making mechanism that has not previously been approved by the Commission, the electric utility shall:

(a) Explain each new alternative rate-making mechanism to customers in at least one consumer session in the most populous county of the service territory of the utility;

(b) Provide a notice to customers of the proposed alternative rate-making mechanism that explains the proposed alternative rate-making mechanism by:

(1) Prominently displaying the notice on the Internet website of the electric utility;

(2) Distributing the notice via electronic mail; and

(3) Providing the notice through any mobile application of the electric utility; and

(c) File with the Commission a plan for the education of customers of the electric utility with respect to the alternative rate-making mechanism. The plan must include:

(1) Provisions for the use of various means of furnishing information to and engaging with customers which may include, without limitation, the use of social media, focus groups, informational or learning sessions or a dedicated Internet website with interactive tools.

(2) If an electric utility proposes subscription pricing or any special tariff, schedule or rate rider that applies only to a select set of residential or nonresidential customers and is not applicable to an entire class of service or class of customers, a specific proposal to educate such customers or to engage customers that may qualify for such pricing, tariff, schedule or rider, and a specific proposal to educate noneligible customers of any potential cost shifts.

3. Nothing in this section shall be construed to relieve an electric utility of any otherwise applicable requirement to provide outreach or notification to customers.

Sec. 25. *1. An electric utility that has an alternative rate-making plan approved by the Commission shall keep or cause to be kept any information and records which the electric*

utility would have been required to submit to the Commission as part of an application filed pursuant to NRS 704.110 or 704.187.

2. An electric utility shall produce the information and records required to be kept pursuant to subsection 1 upon the request of the Commission, the Bureau of Consumer Protection in the Office of the Attorney General or the Regulatory Operations Staff of the Commission.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R182-24

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

The regulation establishes requirements and procedures for the filing of an alternative rate-making application by an electric utility, as mandated by Senate Bill 300 (2019).

2. 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.

(a) Copies of the proposed regulation, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of noticing and interventions. These documents were also made available at the website of the Public Utilities Commission of Nevada ("Commission"), https://puc.nv.gov, and published in the following newspapers:

Elko Daily Free Press
Las Vegas Review Journal
Reno Gazette Journal
Tonopah Times-Bonanza,

and posted at the following locations:

Public Utilities Commission
1150 East William Street
Carson City, Nevada 89701

Public Utilities Commission
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

(b) The Regulatory Operations Staff ("Staff") of the Commission filed comments in the matter. The comments generally supported the proposed regulation with some suggestions regarding potential modification based on the passage of SB 417 (2025), and if changes to the proposed regulation were necessitated by said passage. The Commission declined to adopt changes to Regulation R182-24 as outlined in the Commission order adopting the regulations, as a rulemaking regarding SB 417 (2025) is ongoing at the Commission (Docket No. 25-07006), and Staff's suggested changes could be made in that forum.

(c) Copies of the transcripts of the proceedings are available for review at the offices of the Commission, 1150 East William Street, Carson City, Nevada 89701 and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148.

3. The number of persons who:

(a) Attended each hearing: 4 parties comprised of 5 individual persons

(b) Testified at each hearing: 4 parties comprised of 4 individual persons

(c) Submitted written comments: 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:

(a) Name;

(b) Telephone number;

(c) Business address;

(d) Business telephone number;

(e) Electronic mail address; and

(f) Name of entity or organization represented.

Michael Knox
NV Energy
6100 Neil Road
Reno, Nevada 89511
(775) 834-5793
mknox@nvenergy.com

Michael Saunders
Bureau of Consumer Protection
8945 West Russell Road
Suite 204
Las Vegas, Nevada 89148
(702) 486-3793
Msaunders@ag.nv.gov

Traci Cunningham
Caesars Enterprise Services and MGM Resorts International
C/O Holland and Hart LLP
5441 Kietzke Lane, #100
Reno, NV 89511
(501) 278-9680
lkgranier@hollandhart.com

Jesse Panoff, Assistant Staff Counsel
Regulatory Operations Staff of the Commission
9075 W. Diablo Drive, Suite 250
Las Vegas, NV 89148
(702) 486-7069
jpanoff@puc.nv.gov

Shelly Cassity, Deputy Staff Counsel
Regulatory Operations Staff of the Commission
9075 W. Diablo Drive, Suite 250
Las Vegas, NV 89148

(702) 486-7218
scassity@puc.nv.gov

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

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

The summary may be obtained as instructed in the response to question 2(c).

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 regulation language, as returned from LCB, accomplished the purpose of the rulemaking.

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

(a) Estimated economic effect on the businesses which they are to regulate.

The regulation does not impose any economic effect on the businesses the regulation is to regulate as the regulation has a narrow scope that applies to "an electric utility," and that moreover, under SB 300 (2019), electric utilities have discretion over whether to file an alternative rate-making application pursuant to NRS 704.7621(1), and that, in order for the Commission to approve an alternative rate-making application, the proposed plan must be in the public interest, result in just and reasonable rates, and protect customers interests; as discussed in ¶¶ 4-5 of the September 30, 2025, Commission order regarding the lack of impact on small business of Regulation R182-24.

(b) Estimated economic effect on the public which they are to regulate.

The regulation does not regulate the public, and as, pursuant to NRS 704.7621(1), in order for the Commission to approve an alternative rate-making application, the proposed plan must be in the public interest, result in just and reasonable rates, and protect customers interests, the regulations should have no economic effect on the public.

8. The estimated cost to the agency for enforcement of the proposed regulation:

Any costs associated with the regulation are considered incremental in nature.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No regulations of other state or governmental agencies overlap or duplicate the regulation.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A.

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.

N/A.

12. If the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation or expansion of a small business, what methods did the agency use in determining the impact of the regulation on a small business?

The Regulatory Operations Staff of the Commission ("Staff") conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. In this instance, the participants were members of Staff. Each participant in the exercise used their background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. Based upon Staff's analysis, Staff recommended that the proposed regulation will not impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business. The Commission accepted Staff's recommendation and found that the proposed regulation does not impose a direct or significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required. This finding was memorialized in an order issued in Docket No. 19-06008 on September 30, 2025.

STATEMENT REGARDING SMALL BUSINESS IMPACT (NRS 233B.0608)

LCB File No. R182-24 (PUCN Docket No. 19-06008)

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

N/A. *See* Informational Statement accompanying the Regulation, Question Nos. 2-5 and 12.

Pursuant to NRS 233B.0608 (1), the Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ("PUCN") conducted an investigation to determine whether the proposed regulation is likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business. In a memorandum filed on September 23, 2025, Staff memorialized its conclusion that the proposed regulation does not impose a direct and significant economic burden upon small businesses nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 1.

On September 30, 2025, the PUCN issued an order adopting the findings of Staff and specifically found that the proposed regulation does not impose a direct and significant economic burden upon small businesses, nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 2.

NRS 233B.0608 (2)(a) only requires an agency to consult with owners and officers of small businesses "*if* an agency determines pursuant to subsection 1 that a proposed regulation *is* likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business ...." (emphasis added). Given the PUCN's determination that the proposed regulation does not impose a direct and significant economic burden upon small businesses or directly restrict the formation, operation or expansion of a small business, the PUCN is not statutorily mandated to make this inquiry, as no such "affected" small businesses exist.

2. **The manner in which the analysis was conducted.**

See Attachments 1 and 2. Staff used a version of the Delphi method that incorporates elements of the Staff Delphi method to determine the potential impact of a regulation on small businesses.

3. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**
   (a) Both adverse and beneficial effects; and
   (b) Both direct and indirect effects.

See Informational Statement accompanying the Regulation, Question No. 7. *See also* Attachments 1 and 2.

4. **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

N/A. *See* Attachments 1 and 2.

Pursuant to NRS 233B.0608 (1), Staff conducted an investigation to determine whether the proposed regulation is likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business.

On September 30, 2025, the PUCN issued an order adopting the findings of Staff and specifically found that the proposed regulation does not impose a direct and significant economic burden upon small businesses nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 2.

NRS 233B.0608 (2)(c) only requires an agency to consider methods to reduce the impact of a proposed regulation on small businesses "*if* an agency determines pursuant to subsection 1 that a proposed regulation *is* likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business …." (emphasis added). Given the PUCN's determination that the proposed regulation does not impose a direct and significant economic burden upon small businesses or directly restrict the formation, operation or expansion of a small business, the PUCN is not statutorily mandated to make this inquiry as there are no impacts on small businesses and no methods that were considered for reducing the non-existent impacts.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**

See Informational Statement accompanying the Regulation, Question No. 8. *See also* Attachment 1.

6. **If the proposed 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.**

N/A. *See* Informational Statement accompanying the Regulation, Question No. 11.

7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

See Informational Statement accompanying the Regulation, Questions Nos. 9 and 10. *See also* Attachment 1.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

The PUCN complied with NRS 233B.0608 by making a concerted effort to determine whether the proposed regulation imposes a direct and significant economic burden upon small businesses or directly restricts the formation, operation, or expansion of a small business. The PUCN concluded that no such impacts would occur from the adoption of the proposed regulation based upon the well-reasoned investigation of Staff.

I, STEPHANIE MULLEN, Executive Director of the PUCN, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.

DATED this 10th day of April, 2026.

STEPHANIE MULLEN,
Executive Director
PUBLIC UTILITIES COMMISSION OF NEVADA

PUBLIC UTILITIES COMMISSION OF NEVADA
MEMORANDUM

DATE: September 4, 2025

TO: The Commission
Via: Anne-Marie Cuneo, DRO

FROM: Jesse N. Panoff, Assistant Staff Counsel
Shelly A. Cassity, Assistant Staff Counsel

SUBJECT: Small Business Impact Report
Agenda 17-25; Item No. 3A; Docket No. 19-06008;
Rulemaking to amend, adopt, and/or repeal regulations in accordance with Senate Bill 300 (2019).

I. Summary

On June 6, 2019, the Public Utilities Commission of Nevada ("Commission") opened a rulemaking docket to amend, adopt, and/or repeal regulations in accordance with Senate Bill ("SB") 300 (2019). The Commission designated this matter as Docket No. 19-06008.

On July 8, 2019, the Commission issued a Notice of Rulemaking and Notice of Workshop ("Notice").

On August 12, 2019, the Commission held a Workshop. The Regulatory Operations Staff of the Commission ("Staff"), Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (together, "NV Energy"), Western Resource Advocates ("WRA"), Northern Nevada Industrial Electric Users ("NNIEU"), Caesars Enterprise Services, LLC ("Caesars"), the Nevada Bureau of Consumer Protection ("BCP"), and Wynn Resorts ("Wynn") made appearances.

On August 23, 2019, the Commission issued a Procedural Order establishing a comment deadline and scheduling a Workshop.

On August 26, 2019, the Commission issued a Notice of Workshop.

On September 19, 2019, BCP, the Gaming Group,[1] NV Energy, Staff, Switch, Ltd. ("Switch"), and Conservation Advocates[2] filed comments.

[1] The Gaming Group consists of Boyd Gaming Corporation, Station Casino LLC, Las Vegas Sands Corp., Golden Entertainment, Penn National Gaming, Inc., and the Plaza Hotel and Casino.
[2] The Conservation Advocates consist of Western Resource Advocates, Southwest Energy Efficiency Project, Sierra Club, Nevada Conservation League, Nevada Chapter of the American Institute of Architects, and Defend Our Desert.

On September 26, 2019, the Commission held a Workshop. BCP, the Gaming Group, NV Energy, Staff, and Switch all made appearances. The Workshop featured an educational presentation on various alternative ratemaking mechanisms.

On September 27, 2019, the Commission issued Procedural Order No. 2 and a Notice of Workshop.

On October 21, 2019, BCP, NV Energy, and Staff each filed comments.

On October 28, 2019, the Commission held a Workshop. BCP, the Gaming Group, NV Energy, Staff, Switch, and WRA all made appearances and discussed their previously filed comments.

On December 23, 2019, the Commission issued Procedural Order No. 3.

On December 24, 2019, the Commission issued a Notice of Workshop.

On January 24, 2020, the Conservation Advocates, ChargePoint Inc. ("ChargePoint"), NV Energy, the Smart Energy Alliance ("SEA"), the Gaming Group, Vote Solar, Advanced Energy Economy Institute ("AEE Institute"), and Staff each filed comments.

On February 7, 2020, the Conservation Advocates, NV Energy, the Gaming Group, ChargePoint, AEE Institute, BCP, and Staff each filed reply comments.

On February 18, 2020, the Commission held a Workshop. Vote Solar, AEE Institute, ChargePoint, SEA, Walmart, Inc. ("Walmart"), MGM Resorts International ("MGM") and Caesars, WRA, the Gaming Group, NV Energy, BCP, and Staff all made appearances.

On April 28, 2020, Rocky Mountain Institute ("RMI") and the Regulatory Assistance Project ("RAP"), in consultation with the Commission, published Concept Paper 1: The Facilitated Stakeholder Process Plan and Development of Goals and Outcomes.

On June 3, 2020, the Commission issued a Notice of Informal Workshop and Procedural Order No. 5.

On June 25 and 26, 2020, an Informal Workshop was facilitated by RMI and RAP.

On June 30, 2020, the Commission issued Procedural Order No. 6.

On July 8, 2020, AEE Institute, Anterix Inc. ("Anterix"), BCP, the Gaming Group, Interwest Energy Alliance ("Interwest"), NV Energy, Staff, Walmart, Tony Simmons, and the Conservation Advocates filed comments.

On July 9, 2020, ChargePoint filed comments.

On July 10, 2020, the Commission issued a Notice of Informal Workshop and Procedural Order No 7.

On July 13, 2020, the Commission published Concept Paper 2: Assessment of the Nevada Electric Utility Regulatory Framework.

On July 23 and 24, 2020, the Commission held an Informal Workshop.

On July 30, 2020, the Commission issued Procedural Order No 8.

On August 21, 2020, Staff, BCP, NV Energy, the Conservation Advocates, AARP, ChargePoint, AEE Institute, Tony Simmons, Nevadans for Clean Affordable Reliable Energy ("NCARE"), and the Gaming Group filed comments.

On August 24, 2020, Tony Simmons filed comments.

On September 17, 2020, the Commission issued a Notice of Informal Workshop.

On September 18, 2020, the Commission issued Procedural Order No. 9 and published Concept Paper 3: Available Mechanisms and Pathways for Alternative Ratemaking in Nevada.

On September 28 and 29, 2020, the Commission held an Informal Workshop regarding Concept Paper 3.

On October 6, 2020, the Commission issued Procedural Order No. 10.

On October 28, 2020, Staff, BCP, NV Energy, Conservation Advocates, AARP, ChargePoint, AEE Institute, the Gaming Group, and Vote Solar filed comments.

On November 4, 2020, the Commission issued a Notice of Informal Workshop.

On November 19, 2020, the Commission issued Procedural Order No. 11 and published Concept Paper 4: Minimum Requirements, Evaluation Criteria and Metrics for Alternative Ratemaking in Nevada.

On December 2 and 3, 2020, the Commission held an informal workshop regarding Concept Paper 4.

On December 10, 2020, the Commission issued Procedural Order No. 12.

On January 15, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, NNIEU, the Gaming Group, and Vote Solar filed comments.

On August 19, 2021, the Commission issued Procedural Order No. 13 and a Notice of Workshop.

On September 13, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, Walmart, the Gaming Group, and Vote Solar each filed comments.

On September 27, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, NNIEU, and the Gaming Group each filed reply comments.

On October 13, 2021, the Commission held a workshop regarding the draft regulation and Alternative Ratemaking Straw Proposal attached to Procedural Order No. 13.

On October 28, 2021, the Commission issued Procedural Order No. 14.

On November 16, 2021, NV Energy, MGM and Caesars, AEE Institute, NNIEU, ChargePoint, the Gaming Group, and BCP, each filed comments. Staff filed a letter indicating it would not be filing comments

On December 29, 2021, the Commission issued Procedural Order No. 15.

On January 18, 2022, NV Energy, NNIEU, the Gaming Group, BCP, and Staff each filed comments.

On February 24, 2022, the draft regulation language was sent to the Legislative Counsel Bureau ("LCB") for pre-adoption review, pursuant to Nevada Revised Statutes ("NRS") 233B.063.

On May 5, 2022, the regulations were returned from LCB in revised form (LCB File No. R023-22). Upon receipt of the regulations from the LCB, the Commission subsequently revised those regulations to provide for more clarity.

On June 10, 2022, the Commission issued Procedural Order No. 16. "Attachment 1" was a copy of the Commission's revised regulations. Procedural Order No. 16 directed Staff to: (1) conduct an NRS 233B.0608(1) investigation regarding whether the proposed regulations are likely to impact small businesses, (2) present a report of the results of Staff's investigation along with a statement identifying the methodology used in determining the impact on small businesses and the reasons supporting the report's conclusions, and (3) place this report on an Agenda for the Commission's consideration not later than July 26, 2022.

On July 20, 2022, Staff filed a briefing memorandum recommending that the Commission find that the proposed regulation is not likely to impose a direct and significant economic burden on a small business or restrict the formation, operation, or expansion of a small business.

On August 10, 2022, the Commission issued an Order (the "Small Business Impact Order") finding that the proposed regulation in Docket No. 19-06008 is not likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. Therefore, a small business impact statement pursuant to NRS 233B.0608(2) was not required.

On August 23, 2022, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

On October 7, 2022, BCP, NNIEU, NV Energy, and the Gaming Group filed comments, and Staff filed a letter indicating it was not filing comments.

On October 12, 2022, the Presiding Officer held a workshop, attended by Staff, BCP, NV Energy, the Gaming Group, WRA, Caesars and MGM, and Tony Simmons. Draft regulation language was discussed during this workshop.

On October 14, 2022, the Presiding Officer held a hearing, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, and Tony Simmons. Draft regulation language was discussed during this hearing.

On January 12, 2023, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

On February 10, 2023, NV Energy and BCP filed comments, Staff filed a letter indicating it would not be filing comments, and the Commission issued Procedural Order No. 17.

On March 8, 2023, NV Energy filed a substitution of counsel.

On February 2, 2024, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

On March 8, 2024, NV Energy, Southern Nevada Gaming Group ("SNGG"), and BCP filed comments, and Staff filed a letter indicating it would not be filing comments.

On March 22, 2024, NV Energy, BCP, WRA, and Staff filed reply comments.

On March 26, 2024, the Presiding Officer held a workshop, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, WRA, Advanced Energy United ("AEU"), and Tony Simmons. Draft regulation language was discussed during this workshop.

On March 28, 2024, the Presiding Officer held a hearing, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, WRA, AEU, Shell Energy North America ("Shell"), and Tony Simmons. Draft regulation language was discussed during this hearing.

On January 2, 2025, the Commission issued an Order, adopting the regulations as temporary regulations.

On April 1, 2025, SNGG filed a notice of change of counsel's address.

On June 18, 2025, the regulations were returned from LCB in revised form (LCB File No. R182-24).

On August 7, 2025, the Commission issued Procedural Order No. 18. "Attachment 1" was a copy of the regulations. The Commission determined, "[a]s it has been approximately three years since the Commission issued the Small Business Impact Order and the draft regulations have changed in that time, the Commission believes a new Small Business Impact Investigation should be performed." Procedural Order No. 18, ¶ 71. As a result, Procedural Order No. 18 directed Staff to: (1) conduct an NRS 233B.0608(1) investigation regarding whether the proposed regulations are

likely to impact small businesses, (2) present a report of the results of Staff's investigation along with a statement identifying the methodology used in determining the impact on small businesses and the reasons supporting the report's conclusions, and (3) place this report on an Agenda for the Commission's consideration not later than September 25, 2025.

NRS 233B.0608(1) requires an agency to make a concerted effort to determine whether a proposed regulation is likely to:

a. Impose a direct and significant economic burden upon small businesses; or
b. Directly restrict the formation, operation, or expansion of small businesses.

A small business is defined in NRS 233B.0382 as a business conducted for profit which employs fewer than 150 full-time or part-time employees. NRS 233B.0608(1) further requires that the assessment must be made prior to conducting a workshop regarding the proposed regulation.

NRS 233B.0608(3) requires that an agency considering a proposed regulation "[s]hall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency." NRS 233B.0609(1) identifies the information that a small business impact statement must include.

One (1) Staff Financial Analyst, two (2) Staff Economists, and three (3) Staff Engineers—all of whom were involved in this Docket and are knowledgeable about the proposed regulations—participated in this analysis.

This briefing memo constitutes the Staff Report regarding the small business impact of the proposed regulations.

II. Investigation and Analysis

In accordance with NRS 233B.0608(3), Staff used a version of the Delphi method that incorporates elements of the Policy Delphi method to determine the potential impact of a regulation on small businesses. The Delphi method is a systematic interactive forecasting method based on independent inputs of selected experts. It recognizes the value of expert opinions, experience, and intuition and allows the use of limited information when full scientific knowledge is lacking.

In this instance, the participants were members of Staff, all of whom were involved in this Docket and are familiar with the subject matter of the rulemaking. Each participant in the exercise used their background and expertise to reflect upon and analyze the impact of the regulations on small businesses. A consensus position became clear following receipt of the written responses from the Delphi participants. The participants noted the following:

Immediate Adverse Effects:

Staff does not anticipate that the proposed regulations will directly restrict the formation, operation, or expansion of small businesses. Likewise, Staff does not anticipate that the proposed regulations will have immediate adverse effects on small businesses. The proposed regulations effectuate SB 300 (2019), which allows electric utilities to apply to the

Commission for approval of an alternative rate-making plan. NRS 704.762(1). Consequently, the statute—and by extension the proposed regulations—has a narrow scope that applies to "an electric utility," not a "small business." Moreover, under SB 300 (2019), electric utilities have discretion over whether to file an alternative rate-making application. NRS 704.7621(1). The proposed regulations acknowledge this discretion. The discretionary nature of alternative rate-making applications further limits the impact on small businesses. Finally, in order for the Commission to approve an alternative rate-making application, the proposed plan must be in the public interest, result in just and reasonable rates, and protect customers' interests. NRS 704.7621(4). These requirements indicate that the proposed regulations will likely not impact small businesses.

Immediate Beneficial Effects:

Staff does not anticipate that the proposed regulations will have any immediate beneficial effects on small businesses. Potentially, small businesses may benefit from an approved alternative rate-making plan. This will likely depend on a plan's details and the extent to which those details promote favorable rates for small businesses. Nonetheless, the statute—not the proposed regulations—provides an electric utility with discretion over whether to file an alternative rate-making application. NRS 704.7621(1). Because this discretion is statutorily conferred, any resulting impacts on small businesses will be a result of SB 300 (2019), not the proposed regulations.

Long-Term Adverse Effects:

Staff does not anticipate that the proposed regulations will have any long-term adverse effects on small businesses. The proposed regulations effectuate SB 300 (2019), which allows electric utilities to apply to the Commission for approval of an alternative rate-making plan. NRS 704.762(1). Hence, the statute—and by extension the proposed regulations—has a narrow scope that applies to "an electric utility," not a "small business." Additionally, under SB 300 (2019), electric utilities have discretion over whether to file an alternative rate-making application. NRS 704.7621(1). The proposed regulations acknowledge this discretion. The discretionary nature of alternative rate-making applications further limits the impact on small businesses. Finally, in order for the Commission to approve an alternative rate-making application, the proposed plan must be in the public interest, result in just and reasonable rates, and protect customers' interests. NRS 704.7621(4). These requirements indicate that the proposed regulations will likely not impact small businesses.

Long-Term Beneficial Effects:

Staff does not anticipate that the proposed regulations will have long-term beneficial effects on small businesses. Possibly, small businesses may benefit from an approved alternative rate-making plan. This will likely depend on a plan's details and the extent to which those details promote favorable rates for small businesses. Nevertheless, the statute—not the proposed regulations—provides an electric utility with discretion over whether to file an alternative rate-making application. NRS 704.7621(1). Because this discretion is statutorily conferred, any resulting impacts on small businesses will be a result of SB 300 (2019), not the proposed regulations.

Cost to the Commission to enforce or administer the proposed regulations, including start-up and ongoing costs:

> Staff does not anticipate that the Commission will incur greater costs to administer the proposed regulations. The discretionary nature of filing alternative rate-making applications means that costs will not automatically arise if the proposed regulations are adopted. If an application is filed, then costs to process and review the application—along with enforcing or administering the proposed regulations—may arise, but such costs will be absorbed by existing employees. Staff notes that the extent to which existing resources are adequate for such filings may turn on the complexity of the filings (i.e., how many and what types of alternative ratemaking mechanisms are proposed) and the number of other filings that Staff and the Commission are reviewing when the filing is made.

As a result of the investigation, Staff has concluded that the proposed regulations are not likely to: (a) impose a direct and significant economic burden upon small businesses; or (b) directly restrict the formation, operation, or expansion of small businesses. Consequently, a small business impact statement pursuant to NRS 233B.0608(2) is not required.

III. Notice and Subsequent Action

On August 7, 2025, the Commission issued Procedural Order No. 18, directing Staff to conduct an investigation pursuant to NRS 233B.0608(1) to determine whether the proposed regulations were likely to (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation, or expansion of a small business.

IV. Conclusions and Recommendations

Staff recommends that, in accordance with NRS 233B.0608(1), the Commission find the proposed regulations are not likely to impose a direct and significant economic burden on a small business or to restrict the formation, operation, or expansion of small businesses.

Staff further recommends that, pursuant to NRS 233B.0608(3), the Commission state that the Delphi method was used in the determination of the impact of the proposed regulations on small businesses.

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Rulemaking to amend, adopt, and/or repeal regulations in accordance with Senate Bill 300 (2019).	))))	Docket No. 19-06008

At a general session of the Public Utilities Commission of Nevada, held at its offices on September 25, 2025.

PRESENT: Chair Hayley Williamson
Commissioner Tammy Cordova
Commissioner Randy J. Brown
Assistant Commission Secretary Trisha Osborne

ORDER

The Public Utilities Commission of Nevada ("Commission") makes the following findings of fact and conclusions of law:

I. INTRODUCTION

On June 6, 2019, the Commission opened a rulemaking, designated as Docket No. 19-06008 (the "Rulemaking"), to amend, adopt, and/or repeal regulations in accordance with Senate Bill 300 (2019) ("SB 300").

II. SUMMARY

The proposed regulations in Docket No. 19-06008 are not likely to impose a direct and significant economic burden upon small businesses, nor are they likely to directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to Nevada Revised Statutes ("NRS") 233B.0608(2) is not required.

III. PROCEDURAL HISTORY

- On June 6, 2019, the Commission opened the Rulemaking.
- The Commission is conducting the Rulemaking pursuant to the NRS and the Nevada Administrative Code ("NAC") Chapters 703 and 704, including, but not limited to, NRS 703.025 and 704.210, and SB 300.
- On July 8, 2019, the Commission issued a Notice of Rulemaking and Notice of Workshop.

- On August 12, 2019, the Commission held a Workshop. The Regulatory Operations Staff of the Commission ("Staff"), Nevada Power Company d/b/a NV Energy and Sierra Pacific Power Company d/b/a NV Energy (together, "NV Energy"), Western Resource Advocates ("WRA"), Northern Nevada Industrial Electric Users ("NNIEU"), Caesars Enterprise Services, LLC ("Caesars"), the Nevada Bureau of Consumer Protection ("BCP"), the Southern Nevada Gaming Group (the "Gaming Group"), and Wynn Resorts ("Wynn") made appearances. The participants discussed the next procedural steps that will be undertaken in this Docket.

- On August 23, 2019, the Commission issued a procedural order establishing a comment deadline and scheduling a Workshop.

- On August 26, 2019, the Commission issued a Notice of Workshop.

- On September 19, 2019, BCP, the Gaming Group,[1] NV Energy, Staff, Switch, Ltd. ("Switch"), and Conservation Advocates[2] filed comments.

- On September 26, 2019, the Commission held a Workshop. BCP, the Gaming Group, NV Energy, Staff, and Switch all made appearances. The Workshop featured an educational presentation on various alternative ratemaking mechanisms.

- On September 27, 2019, the Commission issued Procedural Order No. 2 and a Notice of Workshop.

- On October 21, 2019, BCP, NV Energy, and Staff each filed comments.

- On October 28, 2019, the Commission held a Workshop. BCP, the Gaming Group, NV Energy, Staff, Switch, and WRA all made appearances and discussed their previously filed comments.

- On December 23, 2019, the Commission issued Procedural Order No. 3.

- On December 24, 2019, the Commission issued a Notice of Workshop.

- On January 24, 2020, the Conservation Advocates, ChargePoint Inc. ("ChargePoint"), NV Energy, the Smart Energy Alliance ("SEA"), the Gaming Group, Vote Solar,

[1] The Gaming Group consists of Boyd Gaming Corporation, Station Casino LLC, Las Vegas Sands Corp., Golden Entertainment, Penn National Gaming, Inc., and the Plaza Hotel and Casino.
[2] The Conservation Advocates consists of Western Resource Advocates, Southwest Energy Efficiency Project, Sierra Club, Nevada Conservation League, Nevada Chapter of the American Institute of Architects, and Defend Our Desert.

Advanced Energy Economy Institute ("AEE Institute"), and Staff each filed comments.

- On February 7, 2020, the Conservation Advocates, NV Energy, the Gaming Group, ChargePoint, AEE Institute, BCP, and Staff each filed reply comments.

- On February 18, 2020, the Commission held a Workshop. Vote Solar, AEE Institute, ChargePoint, SEA, Walmart, Inc. ("Walmart"), MGM Resorts International ("MGM") and Caesars, WRA, the Gaming Group, NV Energy, BCP, and Staff all made appearances.

- On April 28, 2020, Rocky Mountain Institute ("RMI") and the Regulatory Assistance Project ("RAP"), in consultation with the Commission, published Concept Paper 1: The Facilitated Stakeholder Process Plan and Development of Goals and Outcomes.

- On June 3, 2020, the Commission issued a Notice of Informal Workshop and Procedural Order No. 5.

- On June 25 and 26, 2020, an Informal Workshop was facilitated by RMI and RAP.

- On June 30, 2020, the Commission issued Procedural Order No. 6.

- On July 8, 2020, AEE Institute, Anterix Inc. ("Anterix"), BCP, the Gaming Group, Interwest Energy Alliance ("Interwest"), NV Energy, Staff, Walmart, Tony Simmons, and the Conservation Advocates filed comments.

- On July 9, 2020, ChargePoint filed comments.

- On July 10, 2020, the Commission issued a Notice of Informal Workshop and Procedural Order No 7.

- On July 13, 2020, the Commission published Concept Paper 2: Assessment of the Nevada Electric Utility Regulatory Framework.

- On July 23 and 24, 2020, the Commission held an Informal Workshop.

- On July 30, 2020, the Commission issued Procedural Order No 8.

- On August 21, 2020, Staff, BCP, NV Energy, the Conservation Advocates, AARP, ChargePoint, AEE Institute, and the Gaming Group filed comments.

- On August 24, 2020, Tony Simmons filed comments.

- On September 17, 2020, the Commission issued a Notice of Informal Workshop.

- On September 18, 2020, the Commission issued Procedural Order No. 9 and published Concept Paper 3: Available Mechanisms and Pathways for Alternative Ratemaking in Nevada.

- On September 28 and 29, 2020, the Commission held an Informal Workshop regarding Concept Paper 3.

- On October 6, 2020, the Commission issued Procedural Order No. 10.

- On October 28, 2020, Staff, BCP, NV Energy, Conservation Advocates, AARP, ChargePoint, AEE Institute, the Gaming Group, and Vote Solar filed comments.

- On November 4, 2020, the Commission issued a Notice of Informal Workshop.

- On November 19, 2020, the Commission issued Procedural Order No. 11 and published Concept Paper 4: Minimum Requirements, Evaluation Criteria and Metrics for Alternative Ratemaking in Nevada.

- On December 2 and 3, 2020, the Commission held an informal workshop regarding Concept Paper 4.

- On December 10, 2020, the Commission issued Procedural Order No. 12.

- On January 15, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, NNIEU, the Gaming Group, and Vote Solar filed comments.

- On August 19, 2021, the Commission issued Procedural Order No. 13 and a Notice of Workshop.

- On September 13, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, Walmart, the Gaming Group, and Vote Solar each filed comments.

- On September 27, 2021, Staff, BCP, NV Energy, Conservation Advocates, MGM and Caesars, AEE Institute, NNIEU, and the Gaming Group each filed reply comments.

- On October 13, 2021, the Commission held a workshop regarding the draft regulation and Alternative Ratemaking Straw Proposal attached to Procedural Order No. 13.

- On October 28, 2021, the Commission issued Procedural Order No. 14.

- On November 16, 2021, NV Energy, MGM and Caesars, AEE Institute, NNIEU, ChargePoint, the Gaming Group, BCP, and Staff each filed comments.

- On December 29, 2021, the Commission issued Procedural Order No. 15.

- On January 18, 2022, NV Energy, NNIEU, the Gaming Group, BCP, and Staff each filed comments.

- On February 24, 2022, the draft regulation language was sent to the Legislative Counsel Bureau ("LCB") for pre-adoption review, pursuant to NRS 233B.063.

- On May 5, 2022, the regulations were returned from LCB in revised form (LCB File No. R023-22). Upon receipt of the regulations from the LCB, the Commission subsequently revised those regulations to provide for more clarity.

- On June 9, 2022, the Presiding Officer filed a letter attaching the proposed regulation returned from LCB in revised form.

- On June 10, 2022, the Commission issued Procedural Order No. 16 directing Staff to conduct an investigation pursuant to NRS 233B.0608(1) regarding whether the proposed regulation, attached as Attachment A, is likely to (a) impose a direct and significant burden upon small businesses; or (b) directly restrict the formation, operation, or expansion of a small business.

- On July 20, 2022, Staff filed a briefing memorandum recommending that the Commission find that the proposed regulation is not likely to impose a direct and significant economic burden on a small business or restrict the formation, operation, or expansion of a small business.

- On August 10, 2022, the Commission issued an Order finding that the proposed regulation in Docket No. 19-06008 is not likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. Therefore, a small business impact statement pursuant to NRS 233B.0608(2) is not required.

- On August 23, 2022, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

- On October 7, 2022, BCP, NNIEU, NV Energy, and the Gaming Group filed Comments, and Staff filed a letter indicating it was not filing Comments.

- On October 12, 2022, the Presiding Officer held a Workshop, attended by Staff, BCP, NV Energy, the Gaming Group, WRA, Caesars and MGM, and Tony Simmons, wherein the draft regulation language was discussed.

- On October 14, 2022, the Presiding Officer held a Hearing, attended by attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, and Tony Simmons, wherein

the draft regulation language was discussed.

- On January 12, 2023, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

- On February 10, 2023, NV Energy and BCP filed Comments, Staff filed a letter indicating it would not be filing Comments, and the Commission issued Procedural Order No. 17.

- On March 8, 2023, NV Energy filed a Substitution of Counsel.

- On February 2, 2024, the Commission issued a Notice of Intent to Act upon a Regulation, Notice of Workshop, and Notice of Hearing for the Adoption, Amendment, and Repeal of Regulations of the Public Utilities Commission of Nevada.

- On March 8, 2024, NV Energy, the Gaming Group, and BCP filed Comments, and Staff filed a letter indicating it would not be filing Comments.

- On March 22, 2024, NV Energy, BCP, WRA, and Staff filed Reply Comments.

- On March 26, 2024, the Presiding Officer held a Workshop, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, WRA, Advanced Energy United ("AEU"), and Tony Simmons, wherein the draft regulation language was discussed.

- On March 28, 2024, the Presiding Officer held a Hearing, attended by Staff, BCP, NV Energy, the Gaming Group, Caesars and MGM, WRA, AEU, Shell Energy North America ("Shell"), and Tony Simmons, wherein the draft regulation language was discussed.

- On January 2, 2025, the Commission issued an Order, adopting the regulations as temporary regulations.

- On April 1, 2025, SNGG filed a notice of change of counsel's address.

- On June 18, 2025, the regulations were returned from LCB in revised form (LCB File No. R182-24).

- On August 7, 2025, the Commission issued Procedural Order No. 18 directing Staff to: (1) conduct an NRS 233B.0608(1) investigation regarding whether the proposed regulations are likely to impact small businesses, (2) present a report of the results of

Staff's investigation along with a statement identifying the methodology used in determining the impact on small businesses and the reasons supporting the report's conclusions, and (3) place this report on an Agenda for the Commission's consideration not later than September 25, 2025.

- On September 23, 2025, Staff filed a briefing memorandum ("Staff Briefing Memorandum") outlining its investigation and the results thereof.

IV. SMALL BUSINESS IMPACT REPORT

Staff's Report

1. Staff conducted a Delphi Method exercise to determine the impact of these proposed regulations on small businesses. (Staff Briefing Memorandum at 5.) The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. (*Id.*) In this instance, the participants were members of Staff. (*Id.*) Each participant in the exercise used his or her background and expertise to reflect upon and analyze the impact of the proposed regulations on small businesses. (Staff Briefing Memorandum at 6.)

2. Staff states that one (1) Staff Financial Analyst, two (2) Staff Economists, and three (3) Staff Engineers—all of whom were involved in this Docket and are knowledgeable about the proposed regulations—participated in this analysis and each participant in the exercise used their background and expertise to reflect upon and analyze the impact of the regulations on small businesses. (*Id.*)

3. Staff states that it does not anticipate that the proposed regulations will directly restrict the formation, operation, or expansion of small businesses; likewise, Staff does not anticipate that the proposed regulations will have immediate adverse effects on small businesses. (*Id.*)

4. Staff states that the proposed regulations effectuate SB 300 (2019), which allows electric utilities to apply to the Commission for approval of an alternative rate-making plan

pursuant to NRS 704.762(1), and that consequently, the statute—and by extension the proposed regulations—has a narrow scope that applies to "an electric utility," not a "small business;" and that moreover, under SB 300 (2019), electric utilities have discretion over whether to file an alternative rate-making application pursuant to NRS 704.7621(1). (*Id.* at 6-7.)

5. Staff states that the discretionary nature of alternative rate-making applications further limits the impact on small businesses, and that, in order for the Commission to approve an alternative rate-making application, the proposed plan must be in the public interest, result in just and reasonable rates, and protect customers interests; which requirements indicate that the proposed regulations will likely not impact small businesses. (*Id.* at 7.)

6. Staff states that it does not anticipate that the proposed regulations will have any immediate beneficial effects long-term adverse effects or long-term beneficial effects on small businesses, due to similar logic outlined above regarding immediate adverse effects. (*Id.*)

7. Staff further states it does not anticipate that the Commission will incur greater costs to administer the proposed regulations. (*Id.* at 8.)

8. Based on the foregoing, Staff's report recommends that the Commission find that the proposed regulations in Docket No. 19-06008 are not likely to impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business, and Staff further recommends that, pursuant to NRS 233B.0608(3), the Commission state that the Delphi method was used in the determination of the impact of the proposed regulations on small businesses. (*Id.*)

Commission Discussion and Findings

9. The Commission finds that the proposed regulations do not impose a direct or significant economic burden upon small businesses, nor do they directly restrict the formation,

operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required.

10. The Commission finds that the provisions of NRS 233B.0608 have been met.

THEREFORE, it is ORDERED:

1. The proposed regulations in Docket No. 19-06008 are not likely to impose a direct and significant economic burden upon small businesses, nor are they likely to directly restrict the formation, operation, or expansion of a small business.

By the Commission,

Trisha Osborne

TRISHA OSBORNE,
Assistant Commission Secretary
On behalf of the Commissioners

Certified: /s/ Stephanie Mullen
STEPHANIE MULLEN,
Executive Director

Dated: Carson City, Nevada

9/30/25

(SEAL)

PUBLIC UTILITIES COMMISSION OF NEVADA PUC

R185-24

ADOPTED REGULATION OF

THE LABOR COMMISSIONER

LCB File No. R185-24

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

AUTHORITY: §§ 1 and 3, Nev. Const. Art. 15, § 16 and NRS 607.160; § 2, NRS 607.160.

A REGULATION relating to employment; specifying the minimum wage that an employer is required to pay an employee for each hour worked; requiring an employee to take certain actions before filing with the Labor Commissioner a claim or complaint for the payment of commissions owed; repealing certain obsolete regulations relating to the minimum wage; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Labor Commissioner to enforce all labor laws of this State and authorizes the Commissioner to adopt regulations to do so. (NRS 607.160) Before July 1, 2024, the Nevada Constitution required private employers to pay a minimum wage of $5.15 per hour if the employer provided certain health benefits to employees or $6.15 per hour if the employer did not provide such benefits. (Nev. Const. Art. 15, § 16, as it existed on June 30, 2024) In 2019 and 2021, the Legislature passed Assembly Joint Resolution No. 10 of the 80th Session, which proposed to amend the Nevada Constitution to instead set the minimum wage at $12 per hour worked beginning July 1, 2024, regardless of whether the employer provides health benefits to employees. (File No. 40, Statutes of Nevada 2019, at page 4630; File No. 41, Statutes of Nevada 2021, at page 4035) At the 2022 General Election, the voters of this State approved Ballot Question No. 2, approving those amendments to the Nevada Constitution. As such, as of July 1, 2024, the Nevada Constitution requires an employer to pay a minimum wage of not less than $12 per hour worked, regardless of whether the employer provides health benefits to employees.

Section 1 of this regulation revises certain provisions of existing regulations concerning the minimum wage that were adopted before July 1, 2024, to specify, consistent with the provisions of the Nevada Constitution, as those provisions currently exist, that the minimum wage for an employee in the State of Nevada is not less than $12 per hour worked whether the employee is a full time, permanent, part-time, probationary or temporary employee. **Section 3** of this regulation repeals certain obsolete regulations that were adopted before July 1, 2024, which set out certain requirements and restrictions concerning the minimum wage a private employer is required to pay an employee per hour worked based upon whether the employer provides certain health benefits to the employee. (NAC 608.102-608.108, 608.123)

Existing regulations provide that if an employer and an employee agree that the employee is to be paid by commission based upon a sale, the employer is required to pay the employee when the commission becomes payable pursuant to the agreement. (NAC 608.120) **Section 2** of this regulation provides that before an employee may file a complaint or claim with the Labor Commissioner for the payment of commissions owed, the employee is required to submit a written request to the employer for the payment of the commissions owed. The request is required to include, without limitation, an accounting that shows the total amount of the commissions that the employee believes he or she is owed. Under **section 2**, after receiving the request, the employer has 15 days to: (1) respond to the request; (2) pay the employee the commissions owed; or (3) reach an agreement with the employee for payment of the commissions owed.

Section 1. NAC 608.100 is hereby amended to read as follows:

608.100 1. Except as otherwise provided in ~~[subsections]~~ ***subsection*** 2 **,** ~~[and 3,]~~ the minimum wage for an employee in the State of Nevada is ~~[the same]~~ ***not less than $12 per hour worked*** whether the employee is a full-time, permanent, part-time, probationary or temporary employee **.** ~~[, and:~~

~~(a) If an employee is offered qualified health insurance, is $5.15 per hour; or~~

~~(b) If an employee is not offered qualified health insurance, is $6.15 per hour.]~~

2. ~~[The rates set forth in subsection 1 may change based on the annual adjustments set forth in Section 16 of Article 15 of the Nevada Constitution.~~

~~3.]~~ The minimum wage provided in subsection 1 does not apply to:

(a) A person under 18 years of age;

(b) A person employed by a nonprofit organization for after-school or summer employment;

(c) A person employed as a trainee for a period not longer than 90 days, as described by the United States Department of Labor pursuant to section 6(g) of the Fair Labor Standards Act; or

(d) A person employed under a valid collective bargaining agreement in which wage, tip credit or other provisions set forth in Section 16 of Article 15 of the Nevada Constitution have been waived in clear and unambiguous terms.

~~[4. As used in this section, "qualified health insurance" means health insurance coverage offered by an employer which meets the requirements of NAC 608.102.]~~

Sec. 2. NAC 608.120 is hereby amended to read as follows:

608.120 1. If an employer and an employee agree that the employee is to be paid by commission based upon a sale, the employer shall pay each commission to the employee when the commission becomes payable pursuant to the agreement.

2. If the agreement described in subsection 1 is not in writing, the terms and conditions of the agreement may be determined by the facts and circumstances related to the course of dealing between the employer and the employee.

3. All commissions that an employer pays to an employee during a pay period may be used to meet the minimum wage requirement described in subsection ~~[3]~~ ***1*** of NAC ~~[608.115.]~~ ***608.100.***

4. Before an employee may file a complaint or claim for the payment of commissions owed, the employee shall submit to the employer a written request for the payment of the commissions owed. The request must include, without limitation, an accounting that shows the total amount of the commissions that the employee believes he or she is owed. The employer shall have 15 days after receiving the request to:

(a) Respond to the request;

(b) Pay the employee the commissions owed; or

(c) Reach an agreement with the employee for the payment of commissions owed.

Sec. 3. NAC 608.102, 608.104, 608.106, 608.108 and 608.123 are hereby repealed.

TEXT OF REPEALED SECTIONS

608.102 Minimum wage: Qualification to pay lower rate to employee offered health insurance. (Nev. Const. Art. 15, § 16; NRS 607.160, 608.250) To qualify to pay an employee the minimum wage set forth in paragraph (a) of subsection 1 of NAC 608.100, an employer must meet each of the following requirements:

1. The employer must offer a health insurance plan which:

(a) Covers those categories of health care expenses that are generally deductible by an employee on his or her individual federal income tax return pursuant to 26 U.S.C. § 213 and any federal regulations relating thereto, if such expenses had been borne directly by the employee; or

(b) Provides health benefits pursuant to a Taft-Hartley trust which:

(1) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(2) Qualifies as an employee welfare benefit plan:

(I) Under the guidelines of the Internal Revenue Service; or

(II) Pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 et seq.

2. The health insurance plan must be made available to the employee and any dependents of the employee. The Labor Commissioner will consider such a health insurance plan to be available to the employee and any dependents of the employee when:

(a) An employer contracts for or otherwise maintains the health insurance plan for the class of employees of which the employee is a member, subject only to fulfillment of conditions required to complete the coverage which are applicable to all similarly situated employees within the same class; and

(b) The waiting period for the health insurance plan is not more than 6 months.

3. The share of the cost of the premium for the health insurance plan paid by the employee must not exceed 10 percent of the gross taxable income of the employee attributable to the employer under the Internal Revenue Code, as determined pursuant to the provisions of NAC 608.104.

608.104 Minimum wage: Determination of whether employee share of premium of qualified health insurance exceeds 10 percent of gross taxable income. (Nev. Const. Art. 15, § 16; NRS 607.160, 608.250)

1. To determine whether the share of the cost of the premium of the qualified health insurance paid by the employee does not exceed 10 percent of the gross taxable income of the employee attributable to the employer, an employer may:

(a) For an employee for whom the employer has issued a Form W-2 for the immediately preceding year, divide the gross taxable income of the employee paid by the employer into the projected share of the premiums to be paid by the employee for the health insurance plan for the current year;

(b) For an employee for whom the employer has not issued a Form W-2, but for whom the employer has payroll information for the four previous quarters, divide the combined total of gross taxable income normally calculated from the payroll information from the four previous quarters into the projected share of the premiums to be paid by the employee for qualified health insurance for the current year;

(c) For an employee for whom there is less than 1 aggregate year of payroll information:

(1) Determine the combined total gross taxable income normally calculated from the total payroll information available for the employee and divide that number by the number of weeks the total payroll information represents;

(2) Multiply the amount determined pursuant to subparagraph (1) by 52; and

(3) Divide the amount calculated pursuant to subparagraph (2) into the projected share of the premiums to be paid by the employee for qualified health insurance for the current year; and

(d) For a new employee, promoted employee or an employee who turns 18 years of age during employment, use the payroll information for the first two normal payroll periods completed by the employee and calculate the gross taxable income using the formula set forth in paragraph (c).

2. As used in this section, "gross taxable income of the employee attributable to the employer" means the amount specified on the Form W-2 issued by the employer to the employee and includes, without limitation, tips, bonuses or other compensation as required for purposes of federal individual income tax.

608.106 Minimum wage: Declination by employee of coverage under health insurance plan. (Nev. Const. Art. 15, § 16; NRS 607.160, 608.250) If an employee declines coverage

under a health insurance plan that meets the requirements of NAC 608.102 and which is offered by the employer, the employer must maintain documentation that the employee has declined coverage. Declining coverage may not be a term or condition of employment.

608.108 Minimum wage: Requirements for payment at higher rate; modification of term of waiting period. (Nev. Const. Art. 15, § 16; NRS 607.160, 608.250) If an employer does not offer a health insurance plan, or the health insurance plan is not available or is not provided within 6 months of employment, the employee must be paid at least the minimum wage set forth in paragraph (b) of subsection 1 of NAC 608.100 until such time as the employee becomes eligible for and is offered coverage under a health insurance plan that meets the requirements of NAC 608.102 or until such a health insurance plan becomes effective. The term of the waiting period may be modified in a bona fide collective bargaining agreement if the modification is explicitly set forth in such agreement in clear and unambiguous terms.

608.123 Compensation for overtime: Payment based upon requirements for minimum wage. (Nev. Const. Art. 15, § 16; NRS 607.160, 608.018, 608.250) For purposes of complying with the daily overtime provisions of subsection 1 of NRS 608.018, an employer shall pay overtime based upon the minimum wage which must be paid pursuant to the provisions of NAC 608.100 to 608.108, inclusive.

Informational Statement Form

R185-24RP2

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 608.

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

At the 2022 Election voters approved to eliminate the two-tiered minimum wage and health insurance requirements and increased minimum wage to $12.00 per hour effective July 1, 2024. The purpose of the Regulation is to reflect the current minimum wage of $12.00 per hour and eliminate the previous two-tiered minimum wage and health insurance requirements in NAC 608.100 and to repeal NAC 608.102, 608.104, 608.106, 608.108 and 608.123 relating to NAC 608.100. The Regulations will also require the employee to request unpaid commissions in writing and allow the employer to respond, pay, or settle before filing a wage claim.

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

The Office of the Labor Commissioner solicited comments on the proposed amendments by posting a notice with links to the full text of the proposed amendment to Nevada's Public Notice website, the Nevada Legislature Website, and our agency's website pursuant to NRS 233B. Additionally, all 17 county clerks and registrars were given a copy of all notices and proposed text along with guidance to distribute to anyone who may be interested.

A workshop was held on November 19, 2025 and the adoption hearing was held on March 3, 2026. There was no public comment received at the workshop or at the hearing

3. The number persons who:

(a) Attended each hearing: November 19, 2025 – 7; March 3, 2026: 7

(b) Testified at each hearing: 0

(c) Submitted to the agency written comments: 0

No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached.

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.

Written comments were not solicited from businesses as the proposed regulations do not affect businesses.

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 permanent regulation was adopted on March 3, 2026. No changes were requested, so the regulation was adopted without change.

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

(a) Both adverse and beneficial effects;

There are no adverse effects of the adopted regulations on businesses.

The beneficial effect of the regulations on businesses is that the regulations will now reflect the current minimum wage rate and the employer will have a chance to pay commissions due before a claim is filed with The Office of the Labor Commissioner.

There are no adverse effects of the adopted regulations on the public.

The beneficial effect of the regulations on the public is the regulations will now reflect the current minimum wage rate, and the public will have the opportunity to collect any unpaid commissions prior to filing a claim with our office. The fifteen-day requirement for the employer to pay is a much shorter time than an investigation done with our office.

(b) Both immediate and long-term effects.

Immediate effect on businesses is that they will have the most updated and current information regarding the minimum wage rate and will have the opportunity to pay commissions before a claim is filed.

Long term effect on businesses is that they will have the most updated and current information regarding the minimum wage rate and will have the opportunity to pay commissions before a claim is filed.

Immediate effect on the public is that they will have the most updated and current information regarding the minimum wage rate, and they will have the opportunity to receive unpaid commissions in a shorter time.

Long-term effects on the public is that they will have the most updated and current information regarding the minimum wage rate, and they will have the opportunity to receive unpaid commissions in a shorter time.

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.

There are no other state or government agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

Federal minimum wage is currently $7.25/hr. Nevada minimum wage is more stringent at $12.00/hr. Federal regulation does not require an employee to request payment of their commissions due in writing before filing a claim.

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 a new fee or increase an existing fee.

STATE OF NEVADA

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

BRETT K. HARRIS. ESQ.
Labor Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF THE LABOR COMMISSIONER

March 17, 2026

RE: R185-24RP2 Proposed Amendments to NAC Chapter 608
Small Business Impact Statement

The Office of the Labor Commissioner has determined the proposed regulations regarding amendments to NAC 608 reflected in R185-24RP2 do not affect small businesses, impose a significant economic burden on small businesses, nor will they restrict the information, operation or expansion of small businesses.

A concerted effort was made to determine any economic burden, and no burden has been found. All relevant materials were reviewed, and the Office of the Labor Commissioner considered its history with implementing similar regulations; the proposed changes are within the scope of the Office of the Labor Commissioner's activities and present no cost of enforcement. The proposed regulations will reflect the current and updated minimum wage rate, eliminate the previous two-tiered minimum wage and health insurance requirements, and will repeal regulations relating to the same. Additionally, the proposed regulation will provide more information to The Office of the Labor Commissioner regarding commission claims and will allow the employer the opportunity to respond or pay commissions due before a complaint is filed. This regulation should help small businesses as it may reduce or eliminate administrative penalties assessed.

The Office of the Labor Commissioner has not solicited comments from small businesses as we determined the proposed regulations do not impose a significant economic burden, and do not restrict the information, operation or expansion of small businesses.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Thank you,

Brett Harris
Labor Commissioner

R202-24

ADOPTED REGULATION OF THE

PUBLIC UTILITIES COMMISSION OF NEVADA

LCB File No. R202-24

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

AUTHORITY: §§ 1-3, 19, 22 and 25, NRS 703.025 and 704.210; §§ 4-15, 20, 21, 23, 24, 26 and 27, NRS 703.025, 704.210 and 704.991; §§ 16-18 and 32-43, NRS 704.9925; §§ 28-31, NRS 703.025, 704.210 and 704.992; § 44, NRS 703.025, 704.210, 704.991 and 704.9997; § 45, NRS 703.025, 704.210, 704.991 and 704.9925.

A REGULATION relating to utilities; revising provisions authorizing certain persons to petition to intervene in certain proceedings of the Public Utilities Commission of Nevada; establishing various requirements for gas resource plans and demand-side management plans; prohibiting a gas utility from filing a general rate application during certain periods of time; adopting by reference certain accounts from the Uniform System of Accounts of the Federal Energy Regulatory Commission, contained in the Code of Federal Regulations; requiring certain gas utilities to file reports containing certain information on demand-side management plans; establishing certain requirements and procedures relating to the recovery of certain costs by a gas utility; revising provisions governing procedures for certain utilities to expand gas infrastructure; repealing certain obsolete, duplicative and superseded provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Before the enactment of Senate Bill No. 281 (S.B. 281) of the 2023 Legislative Session, existing law required a utility which supplies natural gas in this State to file annually with the Public Utilities Commission of Nevada an informational report describing certain information regarding the demand for natural gas, certain costs related to the provision of gas services and sources of planned acquisitions of natural gas. (NRS 704.991, as that section existed before January 1, 2024) S.B. 281 removed that requirement and instead required a public utility which purchases natural gas for resale to 10 or more customers in this State to file with the Commission, on or before October 1, 2025, and on or before October 1 of every third year thereafter, a plan designed to meet the current and future needs for natural gas at the lowest reasonable cost to the public utility and its customers. (NRS 704.991, as amended by section 14 of Senate Bill No. 281, chapter 243, Statutes of Nevada 2023, at page 1526) **Section 9** of this regulation designates such a plan as a "gas resource plan."

Existing law requires the Commission to prescribe by regulation the contents of a gas resource plan. (NRS 704.991) **Section 12, 26, 27 and 44** of this regulation set forth the required contents of such a plan. **Section 12** also requires a gas resource plan to include a demand-side management plan that includes the activities and programs that will be implemented by the gas utility to promote energy and efficiency and conservation or load management. **Section 28** of this regulation sets forth certain items which must be included in a demand-side management plan. **Section 29** of this regulation: (1) requires a gas utility that is implementing an accepted demand-side management plan to annually file a report on the demand-side management plan; and (2) establishes certain requirements for such a report.

Section 30 of this regulation establishes certain requirements for the accounting of the costs incurred by a gas utility to develop and implement a demand-side management plan. **Section 31** of this regulation revises procedures by which a gas utility may seek approval from the Commission to decouple general revenue.

Existing law requires the Commission to require a public utility, not less than 4 months before filing a gas resource plan, or within a reasonable period before filing an amendment to such a plan, to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment. (NRS 704.991) **Section 13** of this regulation imposes that requirement and specifies that, for an amendment to a gas resource plan, the meeting must be held not less than 60 days before filing the amendment.

Existing law requires the Commission, after a gas resource plan has been filed, to convene a public hearing on the adequacy of the plan. Existing law authorizes an interested person to make comments to the Commission regarding the contents and adequacy of the plan. (NRS 704.9913) **Section 14** of this regulation establishes procedures by which an interested person may make such comments.

Existing law prohibits a gas utility from filing a general rate application within certain periods before or after filing a gas resource plan. (NRS 704.9917)**Section 15** of this regulation additionally prohibits a gas utility from filing a general rate application on the date on which the gas utility files a gas resource plan.

Sections 4-11 and 20-24 of this regulation establish and revise the definitions of various terms relating to gas resource plans and demand-side management plans.

Existing regulations set forth the procedures by which a person with a direct and substantial interest in a proceeding of the Commission may file a petition for leave to intervene and participate in the proceeding as an intervener. (NAC 703.578-703.600) **Sections 1-3** of this regulation establish procedures by which a person with relevant material evidence concerning the adequacy of a gas resource plan or certain plans submitted by electric utilities may file a petition for leave to intervene and participate in a proceeding concerning the plan.

Existing regulations adopt by reference certain accounts from the Uniform System of Accounts of the Federal Energy Regulatory Commission, contained in the Code of Federal Regulations. (NAC 704.9608) **Section 25** of this regulation updates information which informs a person how that applicable volume of the Code may be obtained.

Sections 16-18 and 32-37 of this regulation define and amend the definitions of certain terms for the purposes of provisions governing gas infrastructure expansions related to programs

of economic development, including, without limitation, providing for a gas infrastructure expansion proposal, rather than a gas infrastructure expansion application to conduct gas infrastructure expansion activity and to recover gas infrastructure expansion costs. **Sections 39-43** of this regulation make conforming changes to change references from "gas infrastructure expansion application" to "gas infrastructure expansion proposal."

Existing regulations establish the required contents of a public utility's application for a gas infrastructure expansion activity. (NAC 704.9753) **Section 38** of this regulation: (1) requires a gas utility which seeks to expand its gas infrastructure to include its proposed gas infrastructure expansion activity and proposal to recover gas infrastructure expansion costs in a gas resource plan filed with the Commission; and (2) eliminates a provision by which the Commission will issue a written order on a gas infrastructure expansion application within 210 days after the date on which the application is filed.

Existing regulations: (1) require a public utility to seek a determination of prudency for the recorded costs of a gas infrastructure expansion activity in the first general rate application filed after the approval of a gas infrastructure expansion rate which accounts for the recovery of such costs; and (2) provide that a Commission order authorizing, denying or modifying a gas infrastructure expansion application is not a determination of prudency with respect to any execution or costs of a gas infrastructure expansion activity that is authorized by the Commission and set forth in such an application. (NAC 704.9757) **Section 42** instead provides that a Commission order authorizing a gas infrastructure expansion proposal included in a gas resource plan is not a determination of prudency with respect to any execution or costs of a gas infrastructure expansion activity that is authorized by the Commission.

Section 45 of this regulation eliminates certain obsolete and duplicative regulations relating to informational reports and other provisions that are superseded by new provisions governing the requirements and procedures relating to gas resource plans and demand-side management plans.

Section 1. NAC 703.580 is hereby amended to read as follows:

703.580 1. Any person who claims to have ~~[a]~~ ***:***

(a) A direct and substantial interest in a proceeding ***; or***

(b) Relevant material evidence concerning the adequacy of a plan filed pursuant to NRS 704.741 or a gas resource plan,

➥ and desires to participate ~~[in it]~~ as an intervener ***in a proceeding, including, without limitation, a proceeding concerning a plan or gas resource plan described in paragraph (b),***

must file a petition for leave to intervene with the Commission requesting an order permitting the intervention.

2. A person has a direct and substantial interest in a proceeding if:

(a) A statute explicitly confers on the person a right to intervene; or

(b) The person claims an interest relating to the property or transaction which is the subject of the proceeding and the person is so situated that the disposition of the proceeding will, as a practical matter, impair or impede the ability of the person to protect that interest, unless the person is adequately represented by existing parties.

3. A person does not have a direct and substantial interest in a proceeding if the person claims an interest that is:

(a) Based on a speculative business or marketing plan;

(b) Based solely on a person's involvement in a proceeding in another unrelated docket;

(c) Based on an interest that is irrelevant to the proceeding; or

(d) Based solely on a desire to monitor the proceeding or to obtain information from the proceeding.

4. As used in this section, "gas resource plan" has the meaning ascribed to it in section 9 of this regulation.

Sec. 2. NAC 703.585 is hereby amended to read as follows:

703.585 A petition for leave to intervene must be in writing and set forth the following:

1. The title and docket number of the proceeding in which leave to intervene is sought;

2. The name and address of the petitioner and, if represented, the name, address and telephone number of his or her attorney or other authorized representative;

3. ~~[A]~~ ***For proceedings for which the petitioner claims to have a direct and substantial interest in the proceedings, a*** clear and concise statement of the direct and substantial interest of the petitioner in the proceedings ***;*** ~~[and, if the petitioner is an association, all information that is necessary for the petitioner to satisfy the requirements set forth in NAC 703.595;]~~

4. ***For proceedings for which the petitioner claims to have relevant material evidence concerning the adequacy of a plan filed pursuant to NRS 704.741 or a gas resource plan, as defined in section 9 of this regulation, a statement supporting the claim;***

5. If the petitioner is an association, all information that is necessary for the petitioner to satisfy the requirements set forth in NAC 703.595;

6. The manner in which the petitioner will be affected by the proceedings;

~~[5.]~~ ***7.*** A statement as to whether the petitioner intends to present evidence in the proceeding; and

~~[6.]~~ ***8.*** If affirmative relief is sought, a description of the desired relief and the basis for that relief.

Sec. 3. NAC 703.595 is hereby amended to read as follows:

703.595 1. ***Except for a proceeding concerning a plan filed pursuant to NRS 704.741 or a gas resource plan, as defined in section 9 of this regulation:***

(a) If the petitioner is a person other than an association and the petition for leave to intervene shows that the petitioner has a direct and substantial interest in the subject of the proceeding, or any part of it, and the intervention would not unduly broaden the issues, the Commission will or the presiding officer may grant leave for the petitioner to intervene or otherwise to appear in the proceeding with respect to the matters set forth in the petition and

subject to such reasonable conditions as may be prescribed by the Commission or presiding officer.

~~[2.]~~ ***(b)*** If the petitioner is an association and:

~~[(a)]~~ ***(1)*** The petition for leave to intervene shows that two or more members of the association have a direct and substantial interest in the subject of the proceeding, or any part of it;

~~[(b)]~~ ***(2)*** The petitioner demonstrates, through its charter, a contract or some other document, that the purpose of the association is directly related to the subject of the proceeding and that the association is authorized to represent its members in the proceeding; and

~~[(c)]~~ ***(3)*** The intervention would not unduly broaden the issues,

➥ the Commission will or the presiding officer may grant leave for the petitioner to intervene or otherwise to appear in the proceeding with respect to the matters set forth in the petition and subject to such reasonable conditions as may be prescribed by the Commission or presiding officer.

~~[3.]~~ ***2.*** If it appears during the proceedings that an intervener has no direct or substantial interest in the proceeding or otherwise does not satisfy the requirements to intervene in the proceeding, and that the public interest does not require his or her further participation, the Commission will or the presiding officer shall dismiss the intervener from the proceeding.

Sec. 4. Chapter 704 of NAC is hereby amended by adding thereto the provisions set forth as sections 5 to 18, inclusive, of this regulation.

Sec. 5. ***"Action plan period" means the 3-year period immediately following the date on which a gas resource plan is filed with the Commission.***

Sec. 6. ***"Demand-side management" means a portfolio of activities and programs implemented by a gas utility to promote:***

1. Energy efficiency and conservation; or

2. Load management.

Sec. 7. ***"Demand-side management plan" means a plan for demand-side management that a gas utility is required to include in a gas resource plan pursuant to paragraph (h) of subsection 1 of section 12 of this regulation.***

Sec. 8. ***"Extension facilities" means the construction, rehabilitation, replacement, modification, upgrade, uprate or update of facilities to respond to the needs of a specific customer or development project pursuant to a gas utility's applicable rule for the extension of facilities.***

Sec. 9. ***"Gas resource plan" means the plan that a gas utility is required to file with the Commission pursuant to NRS 704.991.***

Sec. 10. ***"Long-term arrangement" means an agreement with a duration of 3 years or more and includes, without limitation:***

1. Supply contracts;

2. Agreements for hedging the price of gas;

3. Agreements that involve production wells or in ground reserves owned by the utility which are intended to be used as a source of supply;

4. Incremental transportation agreements;

5. Storage agreements; and

6. Any other long-term arrangement that the utility determines should be considered.

Sec. 11. *"Right-of-way accommodation project" means a project that is undertaken on existing facilities in a right-of-way in response to a request from a governmental agency to accommodate the agency's plans which affect the right-of-way.*

Sec. 12. *1. A gas resource plan must include:*

(a) A brief introduction describing the gas utility, its facilities and the purpose and key points of the gas resource plan.

(b) Maps showing the existing and planned facilities of the gas utility for the supply of natural gas and sources of natural gas.

(c) The anticipated demand for natural gas made on the system of the gas utility by its customers, including, without limitation:

(1) The forecast of base growth for the forecast period;

(2) Forecasts of sales volumes under normal weather conditions for each month of the forecast period;

(3) Forecasts of the annual peak demand under weather at maximum design conditions; and

(4) A comprehensive description of and justification for the methodology of the forecast of the gas utility, including, without limitation:

(I) The use of substantially accurate data that incorporates to the extent necessary, data from other utilities, state and federal agencies, county agencies, universities and other public or private sources.

(II) The use of recognized and generally accepted forecasting methods that consider the availability of data.

(III) Citation of the sources of the demographic and economic projections upon which the methodology relies and documentation of the procedure by which the projections are incorporated into the forecast of the gas utility.

(IV) An explanation of any adjustments which the gas utility made to national forecasts by using local or regional variables.

(V) A detailed description of the manner in which federal, state, county and local policies are incorporated into the forecasts of the gas utility.

(VI) A detailed explanation of the gas utility's methodology for determining the weather at maximum design conditions.

(d) The estimated cost of supplying natural gas sufficient to meet the demand and the means by which the gas utility proposes to minimize that cost throughout the action plan period.

(e) The sources of planned acquisitions of natural gas, including, without limitation, an estimate of the cost and quantity of the acquisitions to be made from each source and an assessment of the reliability of the source throughout the action plan period.

(f) Information on existing and planned long-term arrangements.

(g) Significant operational or capital requirements of the gas utility related to its provision of gas service in this State that the gas utility plans to implement throughout the action plan period. As used in this paragraph, "significant operational or capital requirements" means:

(1) The construction of a new transmission, distribution, compression or storage facility or the rehabilitation, replacement, modification, upgrade, uprate or update of existing

facilities, or any planned series of such activities addressing the same need, in which the anticipated cost exceeds $5,000,000;

(2) The construction of a single extension facility with 2,000 or more new customers or with a forecasted maximum annual load over the 5 years immediately following the year in which the gas resource plan or amendment thereto is filed that is more than 2 percent of the gas utility's forecasted load during the first year immediately following the year in which the gas resource plan or amendment is filed;

(3) Any long-term arrangement that results solely from a request of a gas utility for incremental upstream resources from an interstate pipeline that requires the interstate pipeline to be approved by the Federal Energy Regulatory Commission to construct incremental facilities to meet the projected demand of the gas utility; or

(4) Investment in infrastructure that facilitates the introduction of nongeologic gas, including biogas, renewable natural gas or hydrogen gas into the system of the gas utility. As used in this subparagraph:

(I) "Biogas" has the meaning ascribed to it in NRS 704.9992.

(II) "Renewable natural gas" has the meaning ascribed to it in NRS 704.9995.

(h) A demand-side management plan that includes the activities and programs that will be implemented by the gas utility to promote energy efficiency and conservation or load management throughout the action plan period.

(i) Renewable natural gas activities described in subsection 3 of NRS 704.9997 that will be engaged in by the gas utility and any other proposed activities or expenses of the gas utility

related to commercially-available nongeologic gas supplies, carbon offsets, load management or carbon capture, use and storage throughout the action plan period.

(j) An analysis in support of the gas resource plan based on information available at the time the gas resource plan is filed, including, without limitation:

(1) An assessment of supplies of geologic and commercially-available nongeologic gas, including, without limitation, renewable natural gas, carbon-neutral natural gas and responsibly sourced or transported natural gas.

(2) An assessment of opportunities for gas storage, including, without limitation, contracted storage owned by the gas utility.

(3) An assessment of the capability and reliability of pipelines used for transmission.

(4) An analysis of the greenhouse gas emissions reasonably expected to be avoided or reduced through the gas resource plan, including, without limitation:

(I) An explanation of the methodology used by the gas utility to calculate the greenhouse gas emissions that are expected from the use of natural gas by customers of the gas utility.

(II) An estimate of the reductions in greenhouse gas emissions attributable to specific activities or investments of the gas utility.

(5) A comparative evaluation of the cost of supply purchasing strategies, storage options, delivery resources and improvements in energy efficiency and conservation or load management using generally accepted methods for calculating cost effectiveness.

(6) Information regarding the financial and economic characteristics of planned significant operational or capital investments for the supply of natural gas, including, without limitation:

(I) The estimated costs of construction, purchases or acquisition of the right to use the facilities.

(II) The estimated costs of operation by gas year.

(III) An assessment of the cost and reliability of the existing and planned major facilities of the gas utility for the supply of gas.

(IV) The criteria used in determining the nature and extent of planned additions to major facilities for the supply of gas.

(7) An analysis of the estimated impact of the investments and activities planned by the gas utility on the rates charged to customers.

(8) Information on the procedures for curtailment which will be utilized if the supply or facilities are inadequate.

(k) The proposal of the gas utility for recovering the costs associated with the gas resource plan if the gas utility proposes recovery through a mechanism other than a general rate application in accordance with subsection 3 of NRS 704.110.

2. A gas utility may include in its gas resource plan additional operational or capital projects that the gas utility believes would benefit from inclusion in the gas resource plan.

3. A right-of-way accommodation project must be included in a gas resource plan unless including the project in the plan would restrict or impede the reasonable and prudent execution by the gas utility of other right-of-way accommodation projects.

Sec. 13. *A gas utility, not less than 4 months before filing a gas resource plan and not less than 60 days before filing an amendment to such a plan, shall meet with personnel from the Commission, the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.*

Sec. 14. *In addition to any party to a public hearing on the adequacy of a gas resource plan, any interested person may, pursuant to NRS 704.9913, submit comments to the Commission regarding the contents and adequacy of the plan in accordance with NAC 703.491.*

Sec. 15. *1. In addition to the prohibitions set forth in NRS 704.9917, a gas utility shall not file a general rate application pursuant to NRS 704.110 to recover costs associated with the delivery and resale of natural gas to customers on the date on which the gas utility files a gas resource plan.*

2. Nothing in this section or NRS 704.9917 shall be construed to preclude an electric utility from filing a general rate application pursuant to NRS 704.110 to recover costs associated with the delivery of electric service to customers.

Sec. 16. *"Gas infrastructure expansion proposal" means a proposal, included in a gas resource plan filed by a gas utility to:*

1. Conduct gas infrastructure expansion activity; and

2. Recover gas infrastructure expansion costs.

Sec. 17. *"Gas resource plan" has the meaning ascribed to it in section 9 of this regulation.*

Sec. 18. ***"Gas utility" has the meaning ascribed to it in NAC 704.9559.***

Sec. 19. NAC 704.953 is hereby amended to read as follows:

704.953 As used in NAC 704.953 to 704.9718, inclusive, sections 2 and 3 of LCB File No. R117-19 ***and sections 5 to 15, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 704.9534 to 704.9605, inclusive, ***and sections 5 to 11, inclusive, of this regulation*** have the meanings ascribed to them in those sections.

Sec. 20. NAC 704.9555 is hereby amended to read as follows:

704.9555 "Forecast of base growth" means a forecast of the load on a utility's system based on normal weather conditions and the most likely set of future conditions or forces which would have an effect on that load, including, but not limited to, ***energy efficiency and*** conservation induced by price, ***energy efficiency and*** conservation resulting from laws and regulations and governmental programs, and ***energy efficiency and*** conservation resulting from existing ***demand-side management*** programs sponsored by utilities.

Sec. 21. NAC 704.9557 is hereby amended to read as follows:

704.9557 "Forecast period" means the ~~[3]~~ ***9*** gas-year period beginning with the gas year immediately following the gas year in which ~~[~~:

~~1. The informational report is filed; or~~

~~2. The[~~ ***the gas*** resource plan is filed.

Sec. 22. NAC 704.9559 is hereby amended to read as follows:

704.9559 "Gas utility" means a public utility under the jurisdiction of the Commission which purchases gas for resale ~~[.]~~ ***to 10 or more customers in this State.***

Sec. 23. NAC 704.9561 is hereby amended to read as follows:

704.9561 "Gas year" means the yearly period used by a ***gas*** utility in its ~~[planning process.]~~ ***gas resource plan.*** The period may be a 1-year period beginning November 1 and ending October 31 of the subsequent calendar year, or another yearly period determined by the ***gas*** utility.

Sec. 24. NAC 704.9575 is hereby amended to read as follows:

704.9575 "Major facilities for the supply of gas" means those facilities for the production, transmission, compression or storage of natural gas, or a combination of such facilities or substitutes for such facilities, that are required to meet the demand imposed upon a utility's system. The term includes major additions or modifications to the distribution system which are planned to maintain adequate capacity and the cost of which exceeds ~~[$10,000,000.]~~ ***$5,000,000.***

Sec. 25. NAC 704.9608 is hereby amended to read as follows:

704.9608 The Commission hereby adopts by reference from the Uniform System of Accounts of the Federal Energy Regulatory Commission the account identified as Other Regulatory Assets, FERC Account No. 182.3. This account is contained in 18 C.F.R. Parts 101 and 201, and the volume of the Code of Federal Regulations containing these parts may be purchased by mail from the Superintendent of Documents, United States Government ~~[Printing]~~ ***Publishing*** Office, P.O. Box ~~[979050, St. Louis, Missouri 63197-9000,]~~ ***37082, Washington, D.C. 20013-7082,*** by toll-free telephone at (866) 512-1800 or on the Internet at **http://bookstore.gpo.gov**, for the price of $68. The volume may be accessed free of charge on the Internet at ~~[http://www.gpoaccess.gov/cfr/index.html.]~~ ***https://ecfr.federalregister.gov.***

Sec. 26. NAC 704.9665 is hereby amended to read as follows:

704.9665 Each ~~[informational report]~~ ***gas resource plan*** must include, without limitation, the criteria used in setting the dates for the retirement of its major facilities for the supply of gas and the basis for the criteria.

Sec. 27. NAC 704.9675 is hereby amended to read as follows:

704.9675 Each ~~[informational report]~~ ***gas resource plan*** must include, without limitation, a discussion of the alternative strategies the ***gas*** utility would pursue if any preferred resource or facility were not available as described in the ~~[informational report.]~~ ***gas resource plan.***

Sec. 28. NAC 704.9708 is hereby amended to read as follows:

704.9708 1. ~~[The conservation and energy efficiency]~~ ***A demand-side management*** plan must include, without limitation:

(a) An identification of end-uses for ~~[conservation and]~~ energy efficiency ***and conservation*** programs;

(b) An assessment of the savings attributable to technically feasible ~~[conservation and]~~ energy efficiency ***and conservation*** programs, as determined by the gas utility, which must rank the programs in lists according to the level of savings in gas consumption and according to the level of reduction in demand; and

(c) An assessment of technically feasible programs to determine which will produce benefits in peak demand or gas consumption. The gas utility shall estimate the cost of each such program. The methods used for the assessment must be stated in detail, specifically listing the data and assumptions considered in the assessment.

2. In developing its ~~[conservation and energy efficiency]~~ ***demand-side management*** plan, a gas utility shall consider the impact of applicable new technologies on current options for the

plan. The consideration of new technologies must include, without limitation, consideration of the potential impact of advances in digital technology and computer information systems.

3. A gas utility shall include in its ~~[conservation and energy efficiency]~~ ***demand-side management*** plan a program for residential customers which reduces the consumption of gas ~~[,~~ ~~electricity]~~ or any fossil fuel. ~~[The energy efficiency program must include the use of new solar thermal energy sources unless the gas utility has filed an application seeking the Commission's approval of a plan for a solar thermal program or the Commission has approved the gas utility's plan for a solar thermal program. As used in this subsection, "new solar thermal energy sources" means those sources installed after the effective date of the energy efficiency program that displace gas, electricity or any fossil fuel consumption by using solar radiation to heat water or provide space heating or cooling.]~~

4. The ~~[conservation and energy efficiency]~~ ***demand-side management*** plan must include a list of the programs for which the gas utility is requesting the approval of the Commission. The list must include, without limitation:

(a) An estimate of the reduction in the peak demand and gas consumption that would result from each proposed program, in therms saved, which lists the programs according to their expected savings and their contribution to a reduction in peak demand and gas consumption based upon realistic estimates of the penetration of the market and the average life of the programs;

(b) An assessment of the costs of each proposed program and the savings produced by the program, including the savings in the costs of transmission and distribution if the program can be relied upon to reduce peak demand on a firm basis;

(c) An assessment of the impact on the gas utility's load shapes of each proposed and existing ~~[conservation and]~~ energy efficiency ***and conservation*** program ~~[,]~~ ***and load management program;***

(d) If a program is an educational program, the projected expenses of the gas utility for the educational program;

(e) A complete life-cycle cost analysis of the costs and benefits of ~~[the program in the form of the total resource cost test for any conservation and]~~ ***each*** energy efficiency ***and conservation program and load management*** program which reduces the consumption of gas ~~[, electricity]~~ or any fossil fuel; and

(f) A discussion of the degree of coordination between any ~~[conservation and]~~ energy efficiency ***and conservation program or load management*** program of the gas utility with an electric utility serving the same area and any potential cost savings or improvements in cost-effectiveness resulting from such coordination.

5. The gas utility shall include with its ~~[conservation and energy efficiency]~~ ***demand-side management*** plan a report on the status of all ~~[conservation and]~~ energy efficiency ***and conservation programs and load management*** programs that have been included in a plan accepted by the Commission. The report must include tables for each such program showing, for each year, the planned reduction in therms, the achieved reduction in therms and the cost of the program. The gas utility shall include other information not elsewhere required in this section as set forth in subsection 3 of NAC 704.9712.

6. The gas utility shall provide with its ~~[conservation and energy efficiency]~~ ***demand-side management*** plan any other information necessary to enable an informed reader to examine and

verify the adequacy and accuracy of the data, assumptions and methods used in developing the plan.

~~[7. The gas utility shall provide with its conservation and energy efficiency plan a discussion of any change in risk for the gas utility, including, without limitation, stabilization of revenue for the gas utility.]~~

Sec. 29. NAC 704.9712 is hereby amended to read as follows:

704.9712 1. Following initial acceptance of ~~[the conservation and energy efficiency]~~ ***a demand-side management*** plan, the gas utility that is implementing ~~[substantive conservation and energy efficiency programs]~~ ***demand-side management*** shall file annually, between filings ***of gas resource plans*** required ~~[pursuant to subsection 2 of NAC 704.9706,]~~ ***by NRS 704.991, a report on*** its ~~[conservation and energy efficiency]~~ ***demand-side management*** plan ***.*** ~~[report.]~~

2. The ~~[conservation and energy efficiency plan]~~ report must address each 12-month period following the acceptance of the ~~[conservation and energy efficiency]~~ ***demand-side management*** plan and must be filed with the Commission ~~[:~~

~~(a) Not]~~ ***not*** later than 6 months following the anniversary of the ~~[plan filing]~~ date ~~[established pursuant to NAC 704.9706; or~~

~~(b) In the case of a gas utility which also provides electric service, concurrent with the electric resource plan.]~~ ***on which the gas resource plan is filed.***

3. When filing the ~~[conservation and energy efficiency plan]~~ report, the gas utility shall include a copy of the complete analysis the gas utility used in determining, for the forthcoming year, which ~~[substantive conservation and]~~ energy efficiency ***and conservation programs and***

load management programs should be implemented, continued, modified or terminated. ~~[The]~~ ***For each program, the*** analysis must include, ~~[for each program,]~~ without limitation:

(a) A description of the program;

(b) Proposed new programs, program modifications and programs the utility requests authority to terminate;

(c) Program goals, objectives and targets for savings;

(d) The level of participation for the program;

(e) A detailed description of the manner of evaluating and monitoring the program;

(f) Verification of activities and results of savings of the program, including, without limitation, ~~[the total resource cost test results]~~ ***a cost-benefit analysis*** based on actual program performance;

(g) Estimated savings, including, without limitation, estimated environmental benefits;

(h) A description of the difficulties encountered and recommended solutions;

(i) A detailed description of the costs incurred during the reporting period, separated by program and category, such as marketing, variable and fixed labor, variable and fixed materials and any incentive payment;

(j) A table listing the proposed budget and proposed targets for each program for the following program year;

(k) A table listing each project by estimated therm savings, including, without limitation, information regarding demand savings, expected life, lifetime savings ~~[,]~~ and ~~[total resource cost test cost/benefit]~~ ***cost-benefit*** ratio; and

(l) Any other information necessary to enable an informed reader to examine and verify the adequacy and accuracy of the data, assumptions and methods used in developing the report.

4. ***A gas utility shall not include provisions for any increases to the budget of a demand-side management plan in a report on the plan.***

5. The Commission will process the ~~[annual conservation and energy efficiency plan]~~ report and analysis within 135 days and issue an order accepting the plan as filed or specifying any portion of the report and analysis which the Commission deems to be inadequate.

Sec. 30. NAC 704.9714 is hereby amended to read as follows:

704.9714 1. All costs of implementing ~~[the substantive conservation and energy efficiency programs included in a conservation and energy efficiency]~~ ***a demand-side management*** plan accepted by the Commission must be accounted for in the books and records of the gas utility separately from amounts attributable to any other activities. All accounts must be maintained in such a manner as will allow costs attributable to specific programs to be readily identified. These costs must be segregated into the same categories as specified in the budget for the 3-year planning period.

2. The gas utility may recover all just and reasonable costs for ***developing and*** implementing ~~[substantive conservation and energy efficiency programs included in an application that]~~ ***a demand-side management plan accepted by*** the Commission ***.*** ~~[has accepted either as part of the gas utility's conservation and energy efficiency plan or as modified in the gas utility's annual conservation and energy efficiency plan report.]~~ These costs may include, without limitation, costs for labor, overhead, materials, incentives paid to customers, advertising, marketing, measurement, verification and evaluation.

3. ~~[To recover costs incurred in implementing substantive conservation and energy efficiency programs, a gas utility using the equity adder methodology pursuant to NAC 704.9704 must:~~

~~(a) Calculate, on a monthly basis, the costs incurred in implementing each program since the end of the period used to establish the amount of program costs included in the rate base in the most recent application filed by the gas utility to change general rates;~~

~~(b) Record the total cost of implementing each program, as calculated in paragraph (a), in a separate subaccount of FERC Account No. 182.3 for each program and record an offset in the appropriate subaccount of other FERC accounts;~~

~~(c) Maintain subsidiary records of the subaccounts of FERC Account No. 182.3 for each program which must clearly delineate all costs incurred by the gas utility in implementing each program accepted by the Commission;~~

~~(d) Apply a carrying charge at the rate of 1/12 of the authorized overall rate of return to the current balance in the subaccounts of FERC Account No. 182.3 for each program not included in the rate base; and~~

~~(e) Clear any balance accumulated in the subaccounts of FERC Account No. 182.3 for each program in the manner set forth in subsection 4 as a component of an application by the gas utility to change rates.~~

~~4. For the purposes of paragraph (e) of subsection 3, to clear a balance:~~

~~(a) The Commission will adjust the rate to amortize the balance over a 3-year period, unless otherwise specified by the Commission;~~

~~(b) The gas utility must begin amortizing costs on the date that the change in general rates becomes effective;~~

~~(c) The gas utility must include the balance in the subaccounts of FERC Account No. 182.3 for each program, including carrying charges, in the rate base as of the date that ends the period used in the application filed by the gas utility pursuant to NRS 704.110; and~~

~~(d) If calculating the revenue requirements under the equity adder methodology, the utility must base the rate of return to be applied to the balance in the subaccounts of FERC Account No. 182.3 for each program that the utility has carried out on the most recently authorized return on equity plus 5 percent.~~

~~5.~~ **[** To recover costs incurred in ***developing and*** implementing **[**~~substantive conservation and energy efficiency programs,~~**]** ***a demand-side management plan accepted by the Commission,*** a gas utility **[**~~authorized to use the general revenue decoupling methodology pursuant to NAC 704.9716~~**]** must:

(a) Establish and maintain separate subsidiary records of the subaccounts of FERC Account No. 182.3 for each program which must clearly delineate by month and by rate effective period all costs incurred by the gas utility in implementing each program.

(b) At the time the gas utility files an annual application pursuant to NAC 704.116, apply to the Commission to establish the following rates:

(1) A prospective base program cost rate which is determined by dividing the total projected cost for the rate effective period of each program by the projected therm sales for the rate effective period.

(2) A deferred program cost rate which is determined by dividing the cumulative balance of the subaccounts of FERC Account No. 182.3 for each program as of the adjustment date, as defined in NAC 704.024, by the therm sales for the test period, as defined in NAC 704.063.

~~[6.]~~ ***4.*** A gas utility ~~[using the general revenue decoupling methodology pursuant to NAC 704.9716]~~ shall account for the costs incurred to ***develop and*** implement ~~[substantive conservation and energy efficiency programs]~~ ***a demand-side management plan accepted by the Commission*** and the revenues received from the prospective base program cost rate established pursuant to subparagraph (1) of paragraph (b) of subsection ~~[5]~~ ***3*** in the following manner:

(a) On a monthly basis, the gas utility shall record in a subaccount of FERC Account No. 182.3 the:

(1) Costs incurred to implement the programs;

(2) Revenues received from the prospective base program cost rate; and

(3) Revenues or credits received from the deferred program cost rate established pursuant to subparagraph (2) of paragraph (b) of subsection ~~[5]~~ ***3*** for the programs or the amount refunded by the deferred program cost rate.

(b) On a monthly basis, the gas utility shall apply a carrying charge at the rate of 1/12 of the authorized overall rate of return to the unamortized balance in the subaccounts of FERC Account No. 182.3.

Sec. 31. NAC 704.9716 is hereby amended to read as follows:

704.9716 1. ~~[To remove financial disincentives that discourage a public utility which purchases natural gas for resale from planning and implementing substantive conservation and energy efficiency programs, a gas utility not electing to recover program costs using an equity~~

~~adder methodology may seek approval from the Commission to decouple general revenue.]~~ A gas utility seeking approval from the Commission to decouple general revenue must file a request to decouple general revenue with the Commission as part of a general rate application filed pursuant to NRS 704.110. ~~[A gas utility electing to decouple general revenue must recover the costs of its substantive conservation and energy efficiency programs pursuant to subsection 5 of NAC 704.9714.]~~ If the gas utility files a request to decouple general revenue, the gas utility's application must include a discussion identifying any change in risk for the gas utility and a calculation to adjust for the change in risk and demonstrate the impact on the current and requested rate design for the gas utility. If the Commission approves a gas utility's request to decouple general revenue, the gas utility is not required to include a discussion identifying any change in risk associated with the approved general revenue decoupling methodology in its subsequent general rate application filed pursuant to NRS 704.110 but in determining the gas utility's return on equity, the Commission may consider evidence concerning any change in risk associated with the approved general revenue decoupling methodology provided in the general rate application.

2. As part of a gas utility's general rate case application seeking approval from the Commission to decouple general revenue, the gas utility must outline its plan to educate customers about general revenue decoupling.

3. ~~[In considering a request to decouple general revenue, the Commission will seek to harmonize the incentives of general revenue decoupling methodology with the rate design of the gas utility filing the request. Harmonization by the Commission will include, without limitation, the use of the information contained in the approved conservation and energy efficiency plan to~~

~~modify the customer class billing determinants used to establish the base tariff general rate in the general rate application filed pursuant to NRS 704.110 that includes the request to decouple general revenue.]~~ In the initial general rate application requesting approval to decouple general rate revenues and each subsequent general rate application for which the gas utility continues to use the general revenue decoupling methodology, the gas utility must request approval to exempt any customer class from the general revenue decoupling methodology. The gas utility must apply the approved general revenue decoupling methodology to all customer classes not specifically exempted by the Commission.

4. ~~[To file a request to decouple general revenue, a gas utility must have an order of the Commission accepting the conservation and energy efficiency plan, with the acceptance occurring not more than 1 year before the gas utility files the request to decouple general revenue. Execution of the conservation and energy efficiency plan will be deferred until the general revenue decoupling methodology is implemented.~~

~~5.]~~ A gas utility's request to discontinue the approved general revenue decoupling methodology must be included in a general rate application filed pursuant to NRS 704.110.

Sec. 32. NAC 704.974 is hereby amended to read as follows:

704.974 As used in NAC 704.974 to 704.9758, inclusive, ***and sections 16, 17 and 18 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 704.9741 to 704.9752, inclusive, ***and sections 16, 17 and 18 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 33. NAC 704.9741 is hereby amended to read as follows:

704.9741 "Alternative cost-recovery methodology" means a ~~[public]~~ ***gas*** utility's methodology for the recovery of gas infrastructure expansion costs that are not economically feasible pursuant to the ~~[public]~~ ***gas*** utility's rule for the extension of facilities.

Sec. 34. NAC 704.9742 is hereby amended to read as follows:

704.9742 "Direct benefits" means benefits which are quantifiable to the extent possible. Such benefits may include, without limitation, economic benefits, environmental benefits and operational efficiencies, and enhanced reliability of service that customers of a ~~[public]~~ ***gas*** utility which purchases natural gas for resale who are specifically targeted to be served by the program of economic development may experience as a result of the gas infrastructure expansion activity.

Sec. 35. NAC 704.9746 is hereby amended to read as follows:

704.9746 "Gas infrastructure expansion costs" means all prudent and reasonable costs which are incurred to develop and construct a gas infrastructure expansion activity. The term does not include costs which are otherwise recovered pursuant to the ~~[public]~~ ***gas*** utility's rule for the extension of facilities.

Sec. 36. NAC 704.9748 is hereby amended to read as follows:

704.9748 "Indirect benefits" means benefits which are quantifiable to the extent possible. Such benefits may include, without limitation, economic benefits, environmental benefits and operational efficiencies, and enhanced reliability of service that customers of a ~~[public]~~ ***gas*** utility which purchases natural gas for resale who are not specifically targeted to be served by the program of economic development may experience as a result of the gas infrastructure expansion activity.

Sec. 37. NAC 704.975 is hereby amended to read as follows:

704.975 "Revenue requirement" means an amount equal to depreciation expense and carrying costs, and property taxes once the ~~[public]~~ ***gas*** utility ~~[which offers natural gas for resale]~~ incurs the property taxes. As used in this section:

1. "Carrying costs" means the return on gas infrastructure expansion costs, adjusted for accumulated depreciation and accumulated deferred income taxes, utilizing the ~~[public]~~ ***gas*** utility's authorized pretax rate of return.

2. "Depreciation expense" means the return of gas infrastructure expansion costs utilizing the ~~[public]~~ ***gas*** utility's authorized rate of depreciation.

Sec. 38. NAC 704.9753 is hereby amended to read as follows:

704.9753 1. ***A gas utility which seeks to expand its gas infrastructure pursuant to this section must include its proposed gas infrastructure expansion activity and its proposal to recover gas infrastructure expansion costs in a gas resource plan filed by the gas utility.***

2. A gas infrastructure expansion ~~[application]~~ ***proposal*** must be supported by sworn testimony and must include, without limitation:

(a) A description of the proposed gas infrastructure expansion activity.

(b) To the extent the proposed gas infrastructure ***expansion*** activity seeks to provide natural gas service to an unserved or underserved area, a map generally depicting the unserved or underserved area that the ~~[public]~~ ***gas*** utility proposes to serve, including the relationship with existing natural gas infrastructure and customers.

(c) An estimate of costs which identifies:

(1) The costs associated with the gas infrastructure expansion activity that are economically feasible pursuant to the ~~[public]~~ ***gas*** utility's rule for the extension of facilities; and

(2) The costs that are not economically feasible pursuant to the ~~[public]~~ ***gas*** utility's rule for the extension of facilities and a description of the proposed alternative cost-recovery methodologies as required in subparagraph (1) of paragraph (f).

(d) The estimated revenue requirement associated with the gas infrastructure expansion activity which is proposed in the ~~[application.]~~ ***proposal.***

(e) An explanation of how the proposed gas infrastructure expansion activity is consistent with a program of economic development, including, without limitation:

(1) Identification of the purposes of the proposed gas infrastructure expansion activity pursuant to subsection 3 of NRS 704.9925;

(2) Projected demand and supporting materials, as required in subparagraphs (2) and (5) of paragraph (f), for each purpose identified in subparagraph (1); and

(3) Identification of the anticipated direct and indirect benefits, including the areas for each benefit, and an explanation of how the proposed gas infrastructure expansion activity is consistent with the purposes identified in subparagraph (1).

(f) The analysis conducted on the feasibility of the gas infrastructure expansion activity, including, without limitation:

(1) A detailed description of the proposed alternative cost-recovery methodologies, including, without limitation:

(I) The estimated time period for the recovery of such costs;

(II) The projected billing determinants to be used to establish the gas infrastructure expansion rates;

(III) The process for determining when the timely and complete recovery of the revenue requirement has been accomplished by the ~~[public]~~ ***gas*** utility and the recovery of such costs will end; and

(IV) The treatment of rates for the customers served by the gas infrastructure expansion activity when the recovery of such costs has ended;

(2) A projection of the number of customers, natural gas usage and revenues, by class of customer and class of service, by month over the time period of the proposed alternative cost-recovery methodologies;

(3) The efforts expended by the ~~[public]~~ ***gas*** utility to identify potential customers in each gas infrastructure expansion activity;

(4) The estimated gas infrastructure expansion rates for each affected class of service;

(5) The economic and financial justification for the gas infrastructure expansion activity; and

(6) The mechanism that the ~~[public]~~ ***gas*** utility proposes to utilize to collect from customers the cost of natural gas purchased for resale to those same customers:

(I) To whom the natural gas is sold; and

(II) Who are receiving direct benefits as a result of the gas infrastructure expansion activity.

~~[2. The Commission will, not later than 210 days after the date on which a gas infrastructure expansion application is filed, issue a written order approving, disapproving or approving subject to modifications the gas infrastructure expansion application.]~~

Sec. 39. NAC 704.9754 is hereby amended to read as follows:

704.9754 In addition to satisfying the requirements of NAC 703.205, to the extent a proposed gas infrastructure expansion activity includes an area not included within the ~~[public]~~ ***gas*** utility's certificated service area, the ~~[public]~~ ***gas*** utility may seek to amend its certificate of public convenience and necessity as part of its gas infrastructure expansion ~~[application]~~ ***proposal included in a gas resource plan*** but must satisfy the requirements of NAC 703.175.

Sec. 40. NAC 704.9755 is hereby amended to read as follows:

704.9755 1. A ~~[public]~~ ***gas*** utility that ~~[files]~~ ***includes*** a gas infrastructure expansion ~~[application pursuant to NAC 704.9753]~~ ***proposal in a gas resource plan*** shall provide written notice of the filing to all existing and prospective customers who may experience direct or indirect benefits as a result of the proposed gas infrastructure expansion activity. The written notice must include:

(a) The total amount of the increase in the ~~[public]~~ ***gas*** utility's revenues associated with the gas infrastructure expansion rates, stated in dollars and as a percentage;

(b) The amount of the monthly increase in charges for each affected class of customer or class of service, stated in dollars and as a percentage;

(c) A statement that customers may send written comments or protests regarding the gas infrastructure expansion rates to the Commission;

(d) A statement that the gas infrastructure expansion rates will be reviewed for reasonableness and prudence in the next general rate application filed by the ~~[public]~~ ***gas*** utility pursuant to NRS 704.110; and

(e) Any other information required by the Commission.

2. A copy of the notice must be provided to the Regulatory Operations Staff of the Commission and to the Bureau of Consumer Protection in the Office of the Attorney General.

3. Notice to prospective customers must be provided through the Internet website of a ~~[public]~~ ***gas*** utility that files a ***gas resource plan which includes a*** gas infrastructure expansion ~~[application]~~ ***proposal*** and in a newspaper or newspapers of general circulation in the community where the gas infrastructure expansion activity is proposed.

Sec. 41. NAC 704.9756 is hereby amended to read as follows:

704.9756 1. A Commission order authorizing a gas infrastructure expansion activity ***as part of a gas resource plan*** must adopt alternative cost-recovery methodologies by establishing gas infrastructure expansion rates that allocate the revenue requirement among customers by balancing the interests of customers who will receive direct benefits and customers who will receive indirect benefits from the gas infrastructure expansion activity.

2. In adopting the alternative cost-recovery methodologies pursuant to subsection 1, the Commission will consider:

(a) The costs associated with the gas infrastructure expansion activity that are economically feasible, as defined in the ~~[public]~~ ***gas*** utility's rule for the extension of facilities;

(b) The costs that are not economically feasible, as defined in the ~~[public]~~ ***gas*** utility's rule for the extension of facilities;

(c) The amounts that will be recovered from customers receiving direct benefits and customers receiving indirect benefits from the gas infrastructure expansion activity;

(d) The timely and complete recovery of the revenue requirement by the ~~[public]~~ ***gas*** utility; and

(e) The billing determinants to be used to establish the gas infrastructure expansion rates.

3. The ~~[public]~~ ***gas*** utility shall account for the difference between the revenue requirement actually incurred on the cumulative investment each month in the gas infrastructure expansion costs and the revenue collected through a gas infrastructure expansion rate as a deferred cost.

4. If a ~~[public]~~ ***gas*** utility collects all the deferred revenue requirement through a gas infrastructure expansion rate before the expiration of the time period specified in the gas infrastructure expansion ~~[application,]~~ ***proposal included in a gas resource plan,*** the gas infrastructure expansion rate will terminate. A ~~[public]~~ ***gas*** utility may extend a gas infrastructure expansion rate beyond the time period it is proposed to be in effect if necessary to recover any deferred revenue requirement that remains uncollected. A ~~[public]~~ ***gas*** utility shall notify the Commission of any termination or extension of a gas infrastructure expansion rate at least 60 days before its termination or extension. The termination or extension of a gas infrastructure expansion rate is subject to approval by the Commission.

5. The gas infrastructure expansion rates established ~~[pursuant to this section]~~ ***by the Commission*** become effective with the ~~[public]~~ ***gas*** utility's first practicable quarterly rate adjustment following the in-service date of the gas infrastructure expansion activity.

Sec. 42. NAC 704.9757 is hereby amended to read as follows:

704.9757 1. A Commission order authorizing ~~[, denying or modifying]~~ a gas infrastructure expansion ~~[application]~~ ***proposal included in a gas resource plan*** is not a determination of prudency with respect to any execution or costs of a gas infrastructure expansion activity that is authorized by the Commission **.** ~~[and set forth in such an application.]~~

2. A ~~[public]~~ ***gas*** utility shall seek a determination of prudency in the first general rate application filed pursuant to NRS 704.110 after the costs of each gas infrastructure expansion activity are accounted for in gas infrastructure expansion rates. In the general rate application, the ~~[public]~~ ***gas*** utility shall submit evidence in support of the recorded cost for each gas infrastructure expansion activity completed since the last general rate application filed by the ~~[public]~~ ***gas*** utility, including, without limitation:

(a) Each invoice for gas infrastructure expansion costs, including invoices segregated at the project level if blanket contracts or invoices were used by the ~~[public]~~ ***gas*** utility;

(b) Each work order for the gas infrastructure expansion activity, including work orders segregated at the project level if blanket contracts or work orders were used by the ~~[public]~~ ***gas*** utility;

(c) An accounting of the labor performed by outside contractors and the ~~[public]~~ ***gas*** utility for the gas infrastructure expansion activity undertaken; and

(d) Any other evidence which demonstrates that the incurred costs of the gas infrastructure expansion activity were prudent, just and reasonable.

Sec. 43. NAC 704.9758 is hereby amended to read as follows:

704.9758 1. A ~~[public]~~ ***gas*** utility shall, on an annual basis, file with the Commission a status report for each gas infrastructure expansion activity that is authorized by the Commission. A status report filed pursuant to this subsection must include, without limitation:

(a) The actual billing determinants and a comparison of those billing determinants to the projected billing determinants used to establish the gas infrastructure expansion rates;

(b) The actual revenues received from customers and a comparison of those revenues to the projected revenues;

(c) The actual gas infrastructure expansion costs and a comparison of those costs to the projected gas infrastructure expansion costs;

(d) An updated projection of all billing determinants, revenues and costs; and

(e) A calculation of the ~~[public]~~ ***gas*** utility's earned rate of return for the 12-month period ending on the last month of the most recently completed calendar quarter.

2. A ~~[public]~~ ***gas*** utility's obligation to file status reports with the Commission pursuant to subsection 1 terminates when the revenue requirement associated with the gas infrastructure expansion activity has been fully recovered by the utility.

Sec. 44. Section 3 of LCB File No. R117-19 is hereby amended to read as follows:

Sec. 3. A gas utility shall include in its ~~[informational report]~~ ***gas resource plan*** an update on the efforts of the gas utility to incorporate renewable natural gas into its gas supply portfolio and the progress of the gas utility toward meeting the goals for incorporating renewable natural gas into its gas supply portfolio which are set forth in subsection 4 of NRS 704.9997.

Sec. 45. NAC 704.954, 704.9541, 704.95455, 704.95457, 704.9566, 704.957, 704.9596, 704.9597, 704.960, 704.9615, 704.963, 704.964, 704.9645, 704.9655, 704.966, 704.968, 704.9687, 704.9702, 704.9704, 704.9706 and 704.9745 are hereby repealed.

TEXT OF REPEALED SECTIONS

704.954 "Conservation" defined. (NRS 703.025, 704.210) "Conservation" means improvements in efficiency in the production, distribution or use of energy which results in a reduction in the consumption of natural gas.

704.9541 "Conservation and energy efficiency plan" defined. (NRS 703.025, 704.210) "Conservation and energy efficiency plan" means a portfolio of conservation and energy efficiency programs to reduce consumption or improve energy efficiency in a cost-effective manner.

704.95455 "Energy efficiency" defined. (NRS 703.025, 704.210) "Energy efficiency" means the use of products, services or practices aimed at the economic use of energy in end-use applications which results in a reduction in the consumption of natural gas.

704.95457 "Equity adder methodology" defined. (NRS 703.025, 704.210) "Equity adder methodology" means the methodology applied by a gas utility to ensure that the costs of

providing service recovered by an application filed pursuant to NRS 704.110 are through an enhanced return on equity on its investment in conservation and energy efficiency programs included in the rate base.

704.9566 "Informational report" defined. (NRS 703.025, 704.210, 704.991) "Informational report" means the informational report which a utility is required by NRS 704.991 to submit annually to the Commission.

704.957 "Load management" defined. (NRS 703.025, 704.210, 704.991) "Load management" means a deliberate reshaping of the customers' patterns of use in order to shift the time of use of natural gas and reduce its consumption during the period of the utility's peak load.

704.9596 "Substantive conservation and energy efficiency program" defined. (NRS 703.025, 704.210) "Substantive conservation and energy efficiency program" means, for a gas utility, a conservation and energy efficiency program included in a conservation and energy efficiency plan accepted by the Commission for which the energy savings can be demonstrated using industry standards.

704.9597 "Total resource cost test" defined. (NRS 703.025, 704.210) "Total resource cost test" means a measure of the overall economic efficiency of a conservation and energy efficiency program from the perspective of society which measures the net costs of a conservation and energy efficiency program based on the total costs of the program, including both participant and utility costs.

704.960 "Unaccounted for gas" defined. (NRS 703.025, 704.210, 704.991) "Unaccounted for gas" means the difference between the total amount of gas delivered to a utility and the total amount of gas which is used, sold, or delivered to other entities by the utility.

704.9615 Comprehensive summary of informational report. (NRS 703.025, 704.210, 704.991) Each informational report must include a comprehensive summary of the report. The summary must include, without limitation:

1. A brief introduction, addressed to members of the general public, describing the utility, its facilities and the purpose of the informational report;

2. The forecast of base growth for the forecast period;

3. Forecasts of sales volumes and peak demands;

4. Projections of price trends for natural gas;

5. A list that includes, without limitation:

(a) Each major facility for the supply of gas which has been planned as an addition to the system for the forecast period, with its anticipated capacity, cost and date of initial service;

(b) Each program for conservation and load management that the utility has chosen to implement;

(c) The cost and impact on rates of each program for conservation and load management; and

(d) The forecasted reduction in the utility's load as a result of each program for conservation and load management;

6. An explanation of how the utility intends to acquire its supplies of gas to meet forecasted requirements, including, without limitation, strategies associated with the supplies of gas for the forecast period; and

7. Any other information useful in presenting a comprehensive summary of the utility's informational report.

704.963 Maps of major facilities for supply of gas and sources of natural gas. (NRS 703.025, 704.210, 704.991) Each utility shall provide with its informational report a suitable map or maps to show its existing and planned major facilities for the supply of gas and sources of natural gas.

704.964 Projection of future prices. (NRS 703.025, 704.210, 704.991)

1. Each informational report must contain a projection of the future price of natural gas for each of the supply basins from which the utility purchases gas for each month of the forecast period. The informational report must explain the sources and methods used to develop the projection of the future price of natural gas.

2. If a projection of a national service or a published forecast is adjusted on the basis of factors specific to a utility, the adjustment must be explained.

704.9645 Forecasts of sales volumes and annual peak demand. (NRS 703.025, 704.210, 704.991)

1. A utility shall include in its informational report:

(a) Forecasts of sales volumes under normal weather conditions for each month of the forecast period; and

(b) Forecasts of the annual peak demand under weather at maximum design conditions.

2. The forecasts of sales volumes and demands described in subsection 1 must include, without limitation, an estimate of unaccounted for gas for each month of the forecast period.

3. To prepare the required forecasts, a utility shall:

(a) Use substantially accurate data, incorporating to the extent necessary data available from other utilities, state and federal agencies, county agencies, universities, and other public or private sources;

(b) Use recognized and generally accepted forecasting methods considering the availability of data;

(c) Cite the source of demographic and economic projections upon which it relies and document the procedure by which the projections were incorporated into its forecasts; and

(d) If any national forecasts are adjusted by using local or regional variables, explain those adjustments.

704.9655 Forecast for base growth; assessments of base conservation; levels of energy savings or reduction in demand. (NRS 703.025, 704.210, 704.991) Each informational report must include, without limitation:

1. A forecast for base growth;

2. An assessment of base conservation which includes the effects, cost and impact on rates of each program for conservation and load management that the utility has chosen to implement; and

3. The level of energy savings or reduction in demand from each program for conservation and load management, or both.

704.966 Information regarding major facilities; consideration of options for major facilities. (NRS 703.025, 704.210, 704.991)

1. Each informational report must contain a list of all its existing and planned major facilities for the supply of gas which it expects to be constructing, operating or utilizing in each gas year of the forecast period.

2. Each informational report must contain information on the financial and economic characteristics of planned major facilities for the supply of gas. The information must include, without limitation:

(a) The estimated costs of construction, purchases or acquisition of the rights to use the facilities;

(b) The estimated costs of operation by gas year;

(c) An assessment of the cost and reliability of its existing and planned major facilities for the supply of gas; and

(d) The criteria used in determining the nature and extent of planned additions to major facilities for the supply of gas.

3. A utility shall consider the following options for major facilities for the supply of gas:

(a) The expansion of transmission facilities;

(b) The augmentation of compressor stations;

(c) The expansion and acquisition of storage facilities;

(d) Interconnection with other pipelines;

(e) Developing transportation arrangements; and

(f) Improvements in the efficiency of major facilities for the supply of gas.

704.968 Plan for supply of gas; long-term arrangements for supply, storage and transportation of gas. (NRS 703.025, 704.210, 704.991)

1. The informational report must include the utility's plan for the supply of gas which must include, without limitation, a discussion of the strategies which the utility intends to implement for its supply of gas, including, without limitation, a discussion of:

(a) The criteria used in determining the level and mix of the supply of gas planned;

(b) The criteria used to select the sources of the supply of gas and an assessment of the reliability of each of the sources of the supply of gas;

(c) Strategies for minimizing the cost, minimizing the retail price volatility and maximizing the reliability of the gas that the utility intends to employ for its supply of gas; and

(d) The procedures for curtailment which will be utilized if the supply or facilities are inadequate.

2. The informational report must list each existing and planned long-term arrangement for the supply, storage and transportation of gas.

3. As used in this section, "long-term arrangement" means an agreement with a duration of 3 years or more and includes, without limitation:

(a) Supply contracts;

(b) Agreements for hedging the price of gas;

(c) Agreements that involve production wells or inground reserves owned by the utility which are intended to be used as a source of supply;

(d) Transportation agreements;

(e) Storage agreements; and

(f) Any other long-term arrangement that the utility determines should be considered.

704.9687 Order accepting informational report or specifying inadequacies. (NRS 703.025, 704.210, 704.991) If a utility files an informational report as required pursuant to NRS 704.991, the Commission will issue an order:

1. Accepting the informational report as filed; or

2. If the informational report does not contain the information required pursuant to NRS 704.991 and NAC 704.961 to 704.9687, inclusive, specifying which portions of the informational report the Commission deems to be inadequate.

704.9702 Purpose; applicability. (NRS 703.025, 704.210, 704.992)

1. The purpose of NAC 704.9702 to 704.9718, inclusive, is to establish methods and programs to remove financial disincentives that discourage a public utility which purchases natural gas for resale from planning and implementing substantive conservation and energy efficiency programs.

2. The provisions of NAC 704.9702 to 704.9718, inclusive, apply to all gas utilities that are under the jurisdiction of the Commission and have a budgeted portfolio of substantive conservation and energy efficiency programs.

704.9704 Implementation of substantive programs using equity adder methodology for cost recovery. (NRS 703.025, 704.210, 704.992) To remove financial disincentives that discourage a public utility which purchases natural gas for resale from planning and implementing substantive conservation and energy efficiency programs, a gas utility may implement substantive conservation and energy efficiency programs using an equity adder methodology for cost recovery. In an application pursuant to NRS 704.110 to recover the costs to implement its conservation and energy efficiency plan, the gas utility must calculate its revenue

requirements for program costs, as set forth in NAC 704.9714, to include them in the rate base using the most recently authorized return on equity plus 5 percent.

704.9706 Conservation and energy efficiency plan: Submission; periodic filing; eligibility of programs to recover costs; order accepting plan or specifying inadequacies. (NRS 703.025, 704.210, 704.992)

1. A gas utility applying to implement a portfolio of substantive conservation and energy efficiency programs must submit a plan for acceptance by the Commission in conjunction with a general rate case filed pursuant to NRS 704.110 or in an application to implement its conservation and energy efficiency plan filed pursuant to NAC 704.9704.

2. Every 3 years from the date of the final order in which the gas utility's plan was initially accepted, the utility shall file a conservation and energy efficiency plan with an application to implement its conservation and energy efficiency plan that meets the requirements of NAC 704.9704.

3. In the case of a gas utility which also provides electric service, the conservation and energy efficiency plan required in subsections 1 and 2 may be submitted in conjunction with the electric utility's resource plan, as defined in NAC 704.9156.

4. Only substantive conservation and energy efficiency programs in a conservation and energy efficiency plan accepted by the Commission are eligible to recover costs pursuant to NAC 704.9704 and 704.9714.

5. Within 180 days after a gas utility has filed its conservation and energy efficiency plan, unless filed in conjunction with a general rate case, the Commission will issue an order accepting

the plan as filed or specifying portions of the plan which the Commission deems to be inadequate.

704.9745 "Gas infrastructure expansion application" defined. (NRS 704.9925) "Gas infrastructure expansion application" means an application filed by a public utility which purchases natural gas for resale seeking a determination by the Commission for:

1. The authorization of a gas infrastructure expansion activity; and
2. The recovery of gas infrastructure expansion costs.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R202-24

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

The regulation establishes requirements for regulated gas utilities in Nevada to file resource plans every three years to meet the current and future needs for natural gas at the lowest reasonable cost to the public utility and its customers, as required by NRS 704.991, 704.992, and 704.9925.

2. 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.

(a) Copies of the proposed regulation, notice of intent to act upon the regulation and notice of workshop and hearing were sent by U.S. mail and email to persons who were known to have an interest in the subjects of noticing and interventions. These documents, along with the public comments filed, were also made available at the website of the Public Utilities Commission of Nevada ("Commission"), https://puc.nv.gov. The proposed regulation, notice of intent to act upon the regulation, and notice of workshop and hearing were published in the following newspapers:

Elko Daily Free Press
Las Vegas Review Journal
Reno Gazette Journal
Tonopah Times-Bonanza,

and posted at the following locations:

Public Utilities Commission
1150 East William Street
Carson City, Nevada 89701

Public Utilities Commission
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148

(b) The Commission held numerous rounds of workshops and solicited comments by interested stakeholders since opening this docket in 2023. Initially, Sierra Pacific Power Company d/b/a NV Energy ("Sierra") and Southwest Gas Corporation ("Southwest Gas") submitted draft regulations for the Commission's consideration. Numerous groups filed responses, replies, and follow-ups to the initial draft regulations, including Western Resource Advocates ("WRA"), Advanced Energy United ("United"), the Bureau of Consumer Protection ("BCP"), the Regulatory Operations Staff of the Commission ("Staff"), the Nevada State Pipe Trades ("NSTP"), the Southwest Energy Efficiency Project ("SWEEP"), Sierra, and Southwest Gas. The comments generally favored the draft regulations. Each comment by all parties during the pendency of the docket are available in the Commission's docket.

Since LCB's review and return of the draft regulations on September 12, 2025, the Commission published the returned regulations and solicited additional written comments and held the NRS 233B hearing and workshop. Staff stated that they would not file comments. WRA filed written comments generally supported the proposed regulation, but

stated that gas utilities should also perform load forecasting, provide additional context on utility investments, and include capital expenditures beyond the 3-year timeline contemplated in the draft regulation. Sierra and Southwest Gas did not submit written comments, but, at the hearing, provided clarifying comments.

(c) Copies of the transcripts of the proceedings are available for review at the offices of the Commission, 1150 East William Street, Carson City, Nevada 89701, and 9075 West Diablo Drive, Suite 250, Las Vegas, Nevada 89148, and at the website of the Public Utilities Commission of Nevada ("Commission"), https://puc.nv.gov.

3. The number of persons who:

(a) Attended each hearing: 5

(b) Testified at each hearing: 6

(c) Submitted written comments: 2

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.

Michael Knox
NV Energy
6100 Neil Road
Reno, Nevada 89511
(775) 834-5793
Michael.Knox@nvenergy.com

Stephanie Smith
Southwest Gas Corporation
PO BOX 2996
Las Vegas, Nevada 89193
(702) 364-3444
Stephanie.smith@swgas.com

Tori Sundheim
Public Utilities Commission of Nevada
1150 E. William St.
Carson City, Nevada 89701
(775) 684-6132

tnsundheim@puc.nv.gov

Georgina Daley
Public Utilities Commission of Nevada
9075 West Diablo Drive, Suite 250
Las Vegas, Nevada 89148
(702) 486-2600
gdaley@puc.nv.gov

Michael Saunders
Bureau of Consumer Protection
8945 W. Russell Road, Suite 204
Las Vegas, Nevada 89148
(702) 486-3793
MSaunders@ag.nv.gov

Traci Cunningham
Holland & Hart, LLP on behalf of Southern Nevada Gaming Group
5740 Kietzke Lane, Ste 100
Reno, Nevada 89511
(775) 327-3000
TNCunningham@hollandhart.com

George Cavros
Western Resource Advocates
275 Hill St., Ste. 210
Reno, NV
(775) 430-4640
george.cavros@westernresources.org

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

Comments were solicited from affected businesses in the same manner as they were solicited by the public.

The summary may be obtained as instructed in the response to question 2(c).

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 regulation language, as returned from LCB, accomplished the purpose of the rulemaking. Regarding the first suggestion, the draft regulations are adequate to evaluate the current and future needs for natural gas at the lowest reasonable costs to a public utility and its customers. Regarding SPPC and SWG's comments on the intent behind Section 5 in the draft regulations to have the word "calendar" after the "3-year period," as stated in Question 2b of the Informational Statement. The Commission and participants agreed that

modification to the draft regulations was not necessary because the intent is clear that the 3-year period means the 3-year calendar period.

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

(a) Estimated economic effect on the businesses which they are to regulate.

The regulation establishes a clear, consistent method for regulated utilities to recover the costs related to the gas resource plan that will provide transparency and clarity around each gas utilities ability to deliver fuel at the lowest reasonable cost to the public and its customers.

(b) Estimated economic effect on the public which they are to regulate.

The regulation does not regulate the public. To the extent that this regulation affects the public, the gas resource plan will provide for enhanced transparency in the utilities' planning, procurement, and programs for either reducing gas use, through energy efficiency programs, or conserve gas usage through other means. Reporting and implementation of the gas resource plan in a way to achieve the lowest reasonable cost for natural gas is likely to reduce energy burdens on the public.

8. The estimated cost to the agency for enforcement of the proposed regulation:

Any costs associated with the regulation are considered incremental in nature.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No regulations of other State or governmental agencies overlap or duplicate the regulation.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A.

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.

N/A.

12. If the proposed regulation is likely to impose a direct and significant burden upon a small business or directly restrict the formation, operation or expansion of a small business, what methods did the agency use in determining the impact of the regulation on a small business?

The independent Regulatory Operations Staff of the Commission ("Staff") conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. In this instance, the participants were members of Staff. Each participant in the exercise used their background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses.

Based upon Staff's analysis, Staff recommended to the Commission that the Commission find that the proposed regulation will not impose a direct and significant economic burden on small businesses or directly restrict the formation, operation or expansion of a small business. The Commission accepted Staff's recommendation and found that the proposed regulation does not impose a direct or significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required. This finding was memorialized in an order issued in Docket No. 23-07024 on January 27, 2025.

STATEMENT REGARDING SMALL BUSINESS IMPACT (NRS 233B.0608)

LCB File No. R202-24 (PUCN Docket No. 23-07024)

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

N/A. *See* Informational Statement accompanying the Regulation, Question Nos. 2-5 and 12.

Pursuant to NRS 233B.0608 (1), the Regulatory Operations Staff ("Staff") of the Public Utilities Commission of Nevada ("PUCN") conducted an investigation to determine whether the proposed regulation is likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business. In a memorandum filed on January 10, 2025, Staff memorialized its conclusion that the proposed regulation does not impose a direct and significant economic burden upon small businesses nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 1.

On January 27, 2025, the PUCN issued an order adopting the findings of Staff and specifically found that the proposed regulation does not impose a direct and significant economic burden upon small businesses, nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 2.

NRS 233B.0608 (2)(a) only requires an agency to consult with owners and officers of small businesses "*if* an agency determines pursuant to subsection 1 that a proposed regulation *is* likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business …." (emphasis added). Given the PUCN's determination that the proposed regulation does not impose a direct and significant economic burden upon small businesses or directly restrict the formation, operation or expansion of a small business, the PUCN is not statutorily mandated to make this inquiry, as no such "affected" small businesses exist.

2. The manner in which the analysis was conducted.

See Attachments 1 and 2. Staff used a version of the Delphi method that incorporates elements of the Staff Delphi method to determine the potential impact of a regulation on small businesses.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(a) Both adverse and beneficial effects; and

(b) Both direct and indirect effects.

See Informational Statement accompanying the Regulation, Question No. 7. *See also* Attachments 1 and 2.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

N/A. *See* Attachments 1 and 2.

Pursuant to NRS 233B.0608 (1), Staff conducted an investigation to determine whether the proposed regulation is likely to: (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business.

On January 27, 2025, the PUCN issued an Order adopting the findings of Staff and specifically found that the proposed regulation does not impose a direct and significant economic burden upon small businesses nor does it directly restrict the formation, operation or expansion of a small business. *See* Attachment 2.

NRS 233B.0608 (2)(c) only requires an agency to consider methods to reduce the impact of a proposed regulation on small businesses "*if* an agency determines pursuant to subsection 1 that a proposed regulation *is* likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business …." (emphasis added). Given the PUCN's determination that the proposed regulation does not impose a direct and significant economic burden upon small businesses or directly restrict the formation, operation or expansion of a small business, the PUCN is not statutorily mandated to make this inquiry as there are no impacts on small businesses and no methods that were considered for reducing the non-existent impacts.

5. The estimated cost to the agency for enforcement of the proposed regulation.

See Informational Statement accompanying the Regulation, Question No. 8. *See also* Attachment 1.

6. If the proposed 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.

N/A. *See* Informational Statement accompanying the Regulation, Question No. 11. *See also* Attachment 1.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

See Informational Statement accompanying the Regulation, Questions Nos. 9 and 10. *See also* Attachment 1.

8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The PUCN complied with NRS 233B.0608 by making a concerted effort to determine whether the proposed regulation imposes a direct and significant economic burden upon small businesses or directly restricts the formation, operation, or expansion of a small business. The PUCN concluded that no such impacts would occur from the adoption of the proposed regulation based upon the well-reasoned investigation of Staff.

I, STEPHANIE MULLEN, Executive Director of the PUCN, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement was prepared properly and is accurate.

DATED this 19 day of March 2026.

STEPHANIE MULLEN,
Executive Director
PUBLIC UTILITIES COMMISSION OF NEVADA

PUBLIC UTILITIES COMMISSION OF NEVADA
MEMORANDUM

DATE: January 7, 2025

TO: The Commission
Via Anne-Marie Cuneo, DRO

FROM: Georgina Daley, Assistant Staff Counsel

SUBJECT: Small Business Impact Report
Agenda 01-25; Item No. 5A; Docket No. 23-07024;
Rulemaking to amend, adopt, and/or repeal regulations in accordance with Senate Bill 281 (2023).

I. Introduction:

On July 25, 2023, the Public Utilities Commission of Nevada ("Commission") opened a rulemaking to amend, adopt, and/or repeal regulations in accordance with Senate Bill ("SB") 281. This matter was designated as Commission Docket No. 23-07024.

On September 19, 2023, the Commission issued a Notice of Rulemaking and Notice of Workshop. Additionally, the Presiding Officer issued a Procedural Order.

On January 10, 2024, Southwest Gas Corporation ("Southwest Gas") and Sierra Pacific Power Company d/b/a NV Energy ("Sierra") filed initial proposed draft regulations pursuant to the September 19, 2023, Procedural Order.

On February 7, 2024, the Commission held a workshop. The Regulatory Operations Staff of the Commission ("Staff"), the Nevada Bureau of Consumer Protection ("BCP"), Southwest Gas, Sierra, Advanced Energy United ("AEU"), Western Resource Advocates ("WRA"), Southwest Energy Efficiency Project ("SWEEP"), Nevada State Pipe Trades ("NSPT"), and Southern Nevada Gaming Group ("SNGG") made appearances.

On February 14, 2024, the Presiding Officer issued Procedural Order No. 2, requesting comments, edits, and reply comments on the draft regulation, and scheduling a workshop.

On March 8, 2024, Sierra, WRA, AEU, BCP, Staff, NSPT, and SWEEP filed comments pursuant to Procedural Order No. 2.

On April 3, 2024, the Commission issued a Notice of Workshop.

On April 4, 2024, WRA filed reply comments pursuant to Procedural Order No. 2.

On April 5, 2024, Staff, AEU, Southwest Gas, BCP, and Sierra filed reply comments pursuant to Procedural Order No. 2.

On April 30, 2024, Southwest Gas filed a supplement to its April 5, 2024, reply comments.

On May 1, 2024, the Commission held a workshop. Staff, BCP, Southwest Gas, Sierra, AEU, WRA, SWEEP, NSPT, and SNGG made appearances.

On May 3, 2024, Southwest Gas filed an additional supplement to its April 5, 2024, reply comments.

On June 7, 2024, the Presiding Officer issued Procedural Order No. 3, soliciting comments and reply comments on draft regulations.

On June 27, 2024, WRA and SWEEP (together, "WRA & SWEEP") filed joint comments pursuant to Procedural Order No. 3.

On June 28, 2024, AEU, Sierra, Southwest Gas, BCP, and Staff filed reply comments pursuant to Procedural Order No. 3.

On July 11, 2024, WRA & SWEEP filed joint reply comments pursuant to Procedural Order No. 3.

On July 12, 2024, AEU, Staff, Southwest Gas, Sierra, and BCP filed reply comments pursuant to Procedural Order No. 3.

On July 26, 2024, the Commission issued a Notice of Workshop.

On August 28, 2024, WRA, SWEEP, and AEU filed joint supplemental comments.

On August 29, 2024, the Commission held a workshop. AEU, WRA, SWEEP, Sierra, Southwest Gas, BCP, and Staff made appearances. Additionally, the Presiding Officer issued Procedural Order No. 4, soliciting comments and reply comments in response to WRA, SWEEP, and AEU's joint supplemental comments.

On September 13, 2024, Staff, BCP, Southwest Gas, and Sierra filed reply comments pursuant to Procedural Order No. 4.

On September 20, 2024, WRA, SWEEP, and AEU filed joint reply comments pursuant to Procedural Order No. 4.

On September 30, 2024, the Presiding Officer issued Procedural Order No. 5, requesting comments, edits, and reply comments on the draft regulations.

On October 16, 2024, WRA, AEU, Staff, Sierra, SWEEP, and Southwest Gas, filed comments pursuant to Procedural Order No. 5.

On October 30, 2024, WRA, AEU, Staff, Sierra, SWEEP, and Southwest Gas filed reply comments pursuant to Procedural Order No. 5.

On November 25, 2024, the proposed regulation was submitted to the Legislative Counsel Bureau for preadoption review.

On December 10, 2024, the Commission issued Procedural Order No. 6, directing Staff to investigate pursuant to Nevada Revised Statutes ("NRS") 233B.0608(1) whether the proposed regulation, attached to Procedural Order No. 6 as Attachment 1, is likely to affect small businesses as contemplated in NRS 233B.0608(1) and to present a report of the results of this investigation, including all the information required by NRS 233B.0609(1), along with a statement identifying the methodology used in determining the impact on small business. Staff was further directed to place this report on a Commission agenda meeting no later than January 28, 2025, for Commission consideration.

II. Investigation and Analysis:

This briefing memo constitutes the Staff Report regarding the Small Business Impact of the proposed regulation as directed by Procedural Order No. 6.

Standard of Review

NRS 233B.0608(1) requires an agency to make a concerted effort to determine whether a proposed regulation is likely to:

(a) impose a direct and significant economic burden upon small businesses; or
(b) directly restrict the formation, operation, or expansion of small business.

A small business is defined in NRS 233B.0382 as "a business conducted for profit which employs fewer than 150 full-time or part-time employees." NRS 233B.0608 (1) further requires that the assessment must be made prior to conducting a workshop regarding the proposed regulation.

NRS 233B.0608(3) requires that an agency considering a proposed regulation to "prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business and the reasons for the conclusions of the agency."

Methodology

In accordance with NRS 233B.0608(3), Staff used a version of the Delphi method that incorporates elements of the Policy Delphi method to determine the potential impact of a regulation on small businesses. The Delphi method is a systematic interactive forecasting method based on independent inputs of selected experts. It recognizes the value of expert opinion, experience, and intuition and allows the use of limited information when full scientific knowledge is lacking.

One Staff Engineer and one Staff Accountant, both of whom were involved in the rulemaking and who are most familiar with the subject matter of the rulemaking, participated in this analysis. Each participant in the exercise used their background and expertise to reflect upon and analyze the impact of the regulation on small businesses. Following receipt of the written responses, the Delphi participants engaged in a critique of the other participants' responses, arriving at a consensus position.

The proposed regulation applies to certain public utilities in the business of supplying natural gas. SB 281 requires certain public utilities to file with the Commission a triennial plan designed to meet the current and future demand for natural gas at the lowest reasonable cost to the public utility and its customers; prohibits certain public utilities from filing a general rate case application under certain circumstances; revises provisions governing certain regulations the Commission is required to adopt with respect to certain public utilities; and provides other matters properly relating thereto.

Immediate Adverse Effects:

The proposed regulation will not have any direct immediate adverse effects on small businesses.

Immediate Beneficial Effects:

The proposed regulation will not have any direct immediate beneficial effects on small businesses.

Long-Term Adverse Effects:

Similar to the immediate adverse effects outlined herein, the proposed regulation will not have any direct long-term adverse effects on small businesses.

Long-Term Beneficial Effects:

Similar to the immediate adverse effects outlined herein, the proposed regulation will not have any direct long-term beneficial effects on small businesses.

Cost to the Commission to enforce or administer the proposed regulation, including start-up and ongoing costs:

Under the proposed regulation, the Commission may incur on-going administrative costs to periodically review filings caused by the regulation, but the Commission should be able to absorb such costs resulting in no increased costs to the Commission.

As a result of the investigation, Staff concludes that the proposed regulation is intended to regulate the activities of electric utilities, not small businesses. The proposed regulation is not likely to: (a) impose a direct and significant economic burden upon small business; or (b) directly restrict the formation, operation, or expansion of small business. Therefore, a small business impact statement pursuant to NRS 233B.0608(2) is not required.

III. Notice and Subsequent Action:

On December 10, 2024, the Commission issued Procedural Order No. 6, directing Staff to investigate pursuant to NRS 233B.0608(1) whether the proposed regulation is likely to (a) impose a direct and significant economic burden upon a small business; or (b) directly restrict the formation, operation, or expansion of a small business.

IV. Conclusion:

The proposed regulation is intended to regulate the activities of natural gas utilities, not small businesses. Any potential indirect effects on small businesses are a result of SB 281, not the proposed regulation.

Staff recommends that, in accordance with NRS 233B.0608(1), the Commission find that the proposed regulation is not likely to impose a direct or significant economic burden on a small business, or to restrict the formation, operation or expansion of a small business.

Staff further recommends that, pursuant to NRS 233B.0608(3), the Commission state that the Delphi method was used in the determination of the impact of the proposed regulation on small business.

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Rulemaking to amend, adopt, and/or repeal regulations in accordance with Senate Bill 281 (2023).	))))	Docket No. 23-07024

At a general session of the Public Utilities Commission of Nevada, held at its offices on January 14, 2025.

PRESENT: Chair Hayley Williamson
Commissioner Tammy Cordova
Commissioner Randy Brown
Assistant Commission Secretary Trisha Osborne

ORDER

The Public Utilities Commission of Nevada ("Commission") makes the following findings and conclusions:

I. INTRODUCTION

On July 25, 2023, the Public Utilities Commission of Nevada ("Commission") opened a rulemaking to amend, adopt, and/or repeal regulations in accordance with Senate Bill 281 (2023) ("SB 281"). This rulemaking is designated as Docket No. 23-07024.

II. SUMMARY

The proposed regulation in Docket No. 23-07024 does not impose a direct and significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to Nevada Revised Statutes ("NRS") 233B.0608(2) is not required.

III. PROCEDURAL HISTORY

- On July 25, 2023, the Commission opened a rulemaking, designated as Docket No. 23-07024, to amend, adopt, and/or repeal regulations in accordance with Senate Bill 281 (2023) ("SB 281").

- This matter is being conducted pursuant to the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"), Chapters 233B, 703, and 704, including, but not limited to, NRS 703.025 and 704.210, and SB 281.

- On September 19, 2023, the Commission issued a Notice of Rulemaking and Notice of Workshop. That same day, the Presiding Officer issued a Procedural Order.

- On January 10, 2024, Southwest Gas Corporation ("SWG") and Sierra Pacific Power Company d/b/a NV Energy ("SPPC") filed initial proposed draft regulations per the September 19, 2023, Procedural Order.

- On February 7, 2024, the Presiding Officer held a workshop. The Regulatory Operations Staff of the Commission ("Staff"), and the Nevada Bureau of Consumer Protection ("BCP"), SWG, SPPC, Advanced Energy United ("United"), Western Resource Advocates ("WRA"), Southwest Energy Efficiency Project ("SWEEP"), Nevada State Pipe Trades ("NSPT"), and Southern Nevada Gaming Group ("SNGG") made appearances and discussed the draft regulations filed on January 10, 2024.

- On February 14, 2024, the Presiding Officer issued Procedural Order No. 2, requesting comments, edits, and reply comments on the draft regulations, and the scheduling of a workshop.

- On March 8, 2024, SPPC, WRA, United, BCP, Staff, NSPT, and SWEEP filed comments pursuant to Procedural Order No. 2.

- On April 3, 2024, the Commission issued a Notice of Workshop.

- On April 4, 2024, WRA filed reply comments pursuant to Procedural Order No. 2.

- On April 5, 2024, Staff, United, SWG, BCP, and SPPC filed reply comments per Procedural Order No. 2.

- On April 30, 2024, SWG filed a supplement to its April 5, 2024, reply comments.

- On May 1, 2024, the Presiding Officer held a workshop. Staff, BCP, SWG, SPPC, United, WRA, SWEEP, NSPT, and SNGG made appearances and discussed the proposed draft regulations and the filed comments, edits, and reply comments.

- On May 3, 2024, SWG filed an additional supplement to its April 5, 2024, reply comments.

- On June 7, 2024, the Presiding Officer issued Procedural Order No. 3, soliciting comments and reply comments on draft regulations.

- On June 27, 2024, WRA & SWEEP filed joint comments pursuant to Procedural Order No. 3.

- On June 28, 2024, United, WRA & SWEEP, SPPC, SWG, BCP, and Staff filed reply comments pursuant to Procedural Order No. 3.

- On July 11, 2024, WRA & SWEEP filed joint reply comments pursuant to Procedural Order No. 3

- On July 12, 2024, United, WRA & SWEEP, SPPC, SWG, BCP, and Staff filed reply comments pursuant to Procedural Order No. 3.

- On July 26, 2024, the Commission issued a Notice of Workshop.

- On August 28, 2024, WRA, SWEEP, & United filed supplemental comments.

- On August 29, 2024, the Presiding Officer held a workshop. United, WRA, SWEEP, SPPC, SWG, BCP, and Staff made appearances. On this same day, the Presiding Officer issued Procedural Order No. 4, soliciting comments and reply comments in response to WRA, SWEEP, & United's joint supplemental comments.

- On September 13, 2024, Staff, BCP, SWG, and SPPC filed reply comments per Procedural Order No. 4.

- On September 20, 2024, WRA, SWEEP, & United filed joint reply comments per Procedural Order No. 4.

- On September 30, 2024, the Presiding Officer issued Procedural Order No. 5, requesting comments, edits, and reply comments on the draft regulations.

- On October 16, 2024, WRA, United, Staff, SPPC, SWEEP, and SWG filed comments pursuant to Procedural Order No. 5.

- On October 30, 2024, BCP, SPPC, United, Staff, WRA, and SWEEP filed reply comments pursuant to Procedural Order No. 5.

- On November 25, 2024, a proposed regulation was submitted to the Legislative Counsel Bureau ("LCB") for preadoption review.

- On December 10, 2024, the Presiding Officer issued Procedural Order No. 6, requesting Staff to investigate whether the proposed regulation is likely to affect small businesses as contemplated in NRS 233B.0608(1).

- On January 10, 2025, Staff filed its small business impact report based on its investigation.

IV. SMALL BUSINESS IMPACT REPORT

Staff's Report

1. Staff conducted a Delphi Method exercise to determine the impact of this proposed regulation on small businesses. (Staff Report at 4.) The Delphi Method is a systematic, interactive, forecasting method based on independent inputs of selected experts. (*Id.*) In this

instance, the participants were members of Staff who are familiar with the subject matter of the proposed regulation. (*Id.*) Each participant in the exercise used his or her background and expertise to reflect upon and analyze the impact of the proposed regulation on small businesses. (*Id.*)

2. Staff states that the proposed regulation will not directly restrict the formation, operation, or expansion of small businesses. (*Id.*) Staff states that the proposed regulation will not have immediate adverse effects on small businesses. (*Id.*) Staff states that the proposed regulation will not have any immediate beneficial effect on small businesses. (*Id.* at 5.)

3. Staff states that the proposed regulation will neither have any long-term adverse nor long-term beneficial effects on small businesses. (*Id.*)

4. Staff state that the Commission will not incur greater costs to administer the proposed regulation. (*Id.*)

5. Based on the foregoing, in accordance with NRS 233B.0608(1), Staff recommends that the Commission find that the proposed regulation in Docket No. 23-07024 is not likely to impose a direct and significant economic burden on small businesses, or to restrict the formation, operation, or expansion of small businesses. (*Id.* at 5-6.) Staff recommends that, pursuant to NRS 233B.0608(3), the Commission state that the Delphi method was used in the determination of the impact of the proposed regulations on small businesses. (*Id.*)

Commission Discussion and Findings

6. The Commission finds that the proposed regulation does not impose a direct or significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of a small business, and therefore a small business impact statement pursuant to NRS 233B.0608(2) is not required.

7. The Commission finds that the provisions of NRS 233B.0608 have been met.

Therefore, it is ordered that:

1. The proposed regulation in Docket No. 23-07024 does not impose a direct and significant economic burden upon small businesses, nor does it directly restrict the formation, operation, or expansion of small businesses.

By the Commission,

Trisha Osborne

TRISHA OSBORNE,
Assistant Commission Secretary
On behalf of the Commissioners

Certified: /s/ Stephanie Mullen
STEPHANIE MULLEN,
Executive Director

Dated: Carson City, Nevada
1/27/25

(SEAL)

2025

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

APRIL 28, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2025 REGULATIONS		
R027-25	**534**	**STATE ENGINEER** A REGULATION revising provisions relating to well-drilling licenses **CONTACT Cathy Erskine (775) 684-2705** **c.erskine@dcnr.nv.gov**
R032-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to business and industry endorsements and automotive service technology endorsements **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R033-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to programs of bilingual instruction **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R034-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising various provisions relating to endorsements **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R035-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION establishing program areas for which business and industry endorsements may be issued **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R038-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION repealing various provisions relating to education personnel **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

R040-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to endorsements in adaptive physical education **CONTACT Amelia Thibault (775) 687-2451 acthibault@doe.nv.gov**
R046-25	**624**	**STATE CONTRACTORS' BOARD** A REGULATION establishing provisions relating to licenses by endorsement and provisional licenses (AB 540, 2025) **CONTACT Kenya McCampbell (702) 486-1111 kmccampbell@nscb.state.nv.us**
R047-25	**624**	**STATE CONTRACTORS' BOARD** A REGULATION revising provisions relating to the denial of a license (SB 16, 2025) **CONTACT Kenya McCampbell (702) 486-1111 kmccampbell@nscb.state.nv.us**
R048-25	**624**	**STATE CONTRACTORS' BOARD** A REGULATION establishing provisions relating to distributed generation systems (SB 379, 2025) **CONTACT Kenya McCampbell (702) 486-1111 kmccampbell@nscb.state.nv.us**
R050-25	**513**	**COMMISSION ON MINERAL RESOURCES** A REGULATION revising provisions relating to confidentiality and reporting **CONTACT Rob Ghiglieri (775) 684-7048 rghiglieri@minerals.nv.gov**
R067-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to licensure **CONTACT Amelia Thibault (775) 687-2451 acthibault@doe.nv.gov**
R068-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to the voluntary surrender of a license **CONTACT Amelia Thibault (775) 687-2451 acthibault@doe.nv.gov**
R078-25	**387**	**STATE BOARD OF EDUCATION** A REGULATION revising provisions relating to school calendars **CONTACT Amelia Thibault (775) 687-2451 acthibault@doe.nv.gov**

R080-25	**388**	**DEPARTMENT OF EDUCATION** A REGULATION establishing provisions relating to petitions **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R081-25	**289**	**PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION** A REGULATION revising provisions relating to requirements to maintain a basic certificate or a reserve certificate **CONTACT Kathy Floyd (775) 687-3335** **kfloyd@post.state.nv.us**
R083-25	**387**	**STATE BOARD OF EDUCATION** A REGULATION establishing provisions relating to vulnerable and historically underserved populations (SB 460, 2025) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R084-25	**391A**	**SUPERINTENDENT OF PUBLIC INSTRUCTION** A REGULATION establishing provisions relating to the Education Service Center (SB 460, 2025) **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R086-25	**390**	**DEPARTMENT OF EDUCATION** A REGULATION establishing provisions relating to time spent on assessments and examinations **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R098-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to competency tests **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R100-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to alternative provisional licenses **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**

R102-25	**391**	**COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION** A REGULATION revising provisions relating to occupational therapists and physical therapists in schools **CONTACT Amelia Thibault (775) 687-2451** **acthibault@doe.nv.gov**
R107-25	**453**	**STATE BOARD OF PHARMACY** A REGULATION revising provisions relating to Schedule I drugs **CONTACT Darlene Nases (775) 850-1440** **dnases@pharmacy.nv.gov**

ADOPTED REGULATION

OF THE STATE ENGINEER

LCB File No. R027-25

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

AUTHORITY: §§ 1-6, NRS 534.020, 534.110 and 534.140.

A REGULATION relating to the drilling of wells; providing for licensure by reciprocity of well drillers under certain circumstances; revising the requirements for an application for a well-drilling license; revising provisions relating to the examination of applicants for licensure as a well driller; revising provisions relating to the grounds for denial of a well-drilling license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every well driller to apply annually to the State Engineer for a license to drill. (NRS 534.140) Existing regulations set forth requirements for an application for and examination of an applicant for a well-drilling license. (NAC 534.280, 534.282, 534.288) **Section 1** of this regulation authorizes the State Engineer to issue a well-drilling license by reciprocity to an applicant who: (1) holds a current well-drilling license, in good standing, issued by another state or territory of the United States or the District of Columbia; (2) has held that license for at least 2 years immediately preceding the date of application for licensure by reciprocity in the State of Nevada; and (3) demonstrates that the requirements for licensure in the state or territory in which the applicant is currently licensed are substantially similar to or more stringent than the requirements set forth in this State. **Section 1** additionally requires such an applicant to: (1) submit to the Division of Water Resources of the State Department of Conservation and Natural Resources an application and a request for reciprocity; and (2) satisfy certain other requirements, including passing written and oral examinations under certain circumstances. Lastly, **section 1** provides that such an applicant is exempt from taking the oral examination if the applicant attains a passing score of at least 87 percent on the written examination. **Section 4** of this regulation provides that the Well Drillers' Advisory Board is not required to conduct the oral examination for an applicant that is exempted from taking the oral examination.

Existing regulations require an application for a well-drilling license to be accompanied by evidence that the applicant has at least 2 years of full-time experience acquired during the immediately preceding 5 years and by at least four professional references. (NAC 534.280)

Section 2 of this regulation: (1) removes the requirements that the experience be acquired during the immediately preceding 5 years; and (2) requires that at least three of the required four references be received and accepted by the Division before the applicant is eligible to take the written examination.

Existing regulations require an applicant to pass a two-part examination consisting of a written examination and an oral examination conducted by the Board. As part of the written examination, existing regulations require a test of the applicant's ability to use a standard 7.5 minute topographic map to provide the public land survey description of the location of a well. (NAC 534.282) **Section 3** of this regulation removes the requirement to take the topographic map test.

Section 3 also provides that the State Engineer will deny an applicant a well-drilling license if the applicant fails two consecutive times to pass the written or oral examination. Lastly, **sections 2, 3, 5 and 6** of this regulation revise references to the two-part examination to instead refer to the written and oral examinations which an applicant is required to take.

Section 1. Chapter 534 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The State Engineer may issue a well-drilling license by reciprocity to an applicant who:

(a) Holds a current well-drilling license issued by another state or territory of the United States or the District of Columbia and is in good standing with that state or territory;

(b) Has held the license described in paragraph (a) for at least 2 years immediately preceding the date of application for licensure; and

(c) Demonstrates, to the satisfaction of the State Engineer, that the requirements for the issuance of the license in the state or territory in which the applicant holds a current license are substantially similar to or more stringent than the requirements set forth in this chapter.

2. To be granted reciprocity pursuant to this section, an applicant must:

(a) Submit an application to the Division pursuant to NAC 534.280;

(b) Submit a request for reciprocity on a form provided by the Division; and

(c) Satisfy the requirements of NAC 534.282.

3. An applicant for reciprocity will be exempt from taking the oral examination described in subparagraph (2) of paragraph (b) of subsection 1 of NAC 534.282 if the applicant receives a passing score of at least 87 percent on the written examination described in subparagraph (1) of paragraph (b) of subsection 1 of that section.

Sec. 2. NAC 534.280 is hereby amended to read as follows:

534.280 An application for a well-drilling license must be submitted to the Division. The application:

1. Must:

(a) Be completed and signed by the applicant on a form provided by the Division.

(b) Be accompanied by evidence that the applicant has at least 2 years of full-time experience ~~[acquired during the immediately preceding 5 years.]~~ ***.*** The State Engineer will determine whether such experience is satisfactory and appropriate for the type of license for which the applicant is applying.

(c) Be accompanied by at least four professional references ~~[.]~~ ***, of which not less than three references must be received and accepted by the Division before the applicant is eligible to take the written examination described in subparagraph (1) of paragraph (b) of subsection 1 of NAC 534.282.*** The State Engineer will determine whether such references are satisfactory and appropriate for the type of license for which the applicant is applying.

(d) Include any other information requested by the State Engineer.

(e) Be accompanied by the fee prescribed in NRS 534.140.

2. Is valid for 1 year after the date of submission of the application unless the applicant fails ~~[any part of]~~ the ***written or oral*** examination required pursuant to NAC 534.282 ~~[.]~~ ***, as applicable.***

Sec. 3. NAC 534.282 is hereby amended to read as follows:

534.282 1. An applicant for a well-drilling license must:

(a) Be at least 18 years of age; and

(b) Pass ***:*** ~~[a two-part examination, consisting of the following sections:]~~

(1) A written examination ~~[which includes:~~

~~(I) A written test]~~ consisting of questions on which the applicant must obtain a passing score of at least 80 percent; and

~~[(II) A test of the applicant's ability to use a standard 7.5 minute topographic map from the United States Geological Survey to provide the public land survey description of the location of a well, which will be scored on a pass or fail basis; and]~~

(2) ~~[An]~~ ***Except as otherwise provided in section 1 of this regulation, an*** oral examination conducted by the Board.

2. The State Engineer will deny an applicant a license if the applicant:

(a) Fails to notify the Division at least 3 working days before the scheduled examination date that he or she cannot appear for the examination as instructed by a notice to appear before the State Engineer or the Board;

(b) Reschedules the written or oral examination more than twice; or

(c) Fails ***two consecutive times*** to pass ~~[any section of]~~ the ***written or oral*** examination described in paragraph (b) of subsection 1 ~~[.]~~ ***, if applicable.***

Sec. 4. NAC 534.288 is hereby amended to read as follows:

534.288 The Board is not required to conduct the oral examination section of the examination for an applicant for a well-drilling license:

1. Who receives a score of less than 80 percent on the written test portion of the written examination;

2. ~~[Who is unable to demonstrate his or her ability to locate a well by public land survey on a topographic map; or~~

~~3.]~~ If the State Engineer finds that the applicant's experience or professional references required pursuant to NAC 534.280 are not satisfactory or appropriate for the type of license for which the applicant is applying ~~[.]~~ ***; or***

3. Who is exempt from taking the oral examination pursuant to section 1 of this regulation.

Sec. 5. NAC 534.293 is hereby amended to read as follows:

534.293 To reinstate a license, a well driller whose license has been:

1. Expired for 1 year or less must:

(a) File a renewal application pursuant to NAC 534.2923 with the renewal fee required by NRS 534.140;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required by NAC 534.282 or petition the Division in writing for an exemption from the requirement to pass the ~~[examination;]~~ ***examinations;***

(c) Reduce the number of demerit points the well driller has accumulated against his or her license to zero; and

(d) Provide documentation satisfactory to the Division that the well driller has completed the eight credit units of continuing education required pursuant to subsection 3 of NAC 534.2923, unless the well driller receives an exemption or deferral from the Division pursuant to subsection 4 of NAC 534.2927. The eight credit units of continuing education must have been earned:

(1) During the most recent licensing period during which the license of the well driller was active; or

(2) During the time the license of the well driller was expired.

2. Expired for more than 1 year or suspended or revoked must:

(a) File a new application for a well-drilling license with the fee required by NRS 534.140;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required by NAC 534.282; and

(c) Reduce the number of demerit points the well driller has accumulated against his or her license to zero.

Sec. 6. NAC 534.294 is hereby amended to read as follows:

534.294 1. A well-drilling license authorizes the licensee to drill, plug or rehabilitate the following types of wells:

(a) Water wells; and

(b) Monitoring wells.

2. The State Engineer may issue limited well-drilling licenses that limit a well driller to a class of work or type of drilling rig, or both, for which the Board has determined the driller is qualified.

3. If a well driller wishes to modify the scope of his or her limited well-drilling license, the well driller must:

(a) File a new application for a well-drilling license and submit the required license fee pursuant to NAC 534.280;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required pursuant to NAC 534.282 or petition the Division in writing for an exemption from the requirement to pass the ~~[examination;]~~ ***examinations;*** and

(c) Reduce the number of demerit points the well driller has accumulated against his or her limited license to zero.

Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Joe Lombardo, *Governor*
James A. Settelmeyer, *Director*
Chris Thorson, P.E., *Acting State Engineer*

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

LCB File: R027-25

The following statement is submitted for adopted amendments to Nevada Administrative Code ("NAC") Chapter 534

1. A clear and concise explanation of the need for the adopted regulation.
In response to Governor Lombardo's Executive Order 2023-004, requiring a review of regulatory requirements for occupational licensing, the Division of Water Resources (Division), in cooperation with the Well Driller's Advisory Board (Board), identified recommended revisions to existing licensing regulations and a pathway to licensure reciprocity. These revisions are intended to remove unnecessary or onerous regulatory barriers while maintaining the standards of qualifications required for well drilling licensure. The adopted regulation is needed to simplify and streamline the licensure process, improve clarity and efficiency for applicants, and establish a pathway for licensure reciprocity. Collectively, these updates support a more accessible, transparent, and efficient regulatory framework without compromising public health, safety, or the integrity of the profession.

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.
First, a survey request was sent to seek comments from small businesses in the state (see question 5 for more detail).

Next, public workshop was held on October 3, 2025, for the Division to provide a review and presentation of the regulation revisions and solicit oral and/or written comments from interested persons. No public comment was received.

Finally, an adoption hearing was held on November 12, 2025, which included another presentation by the Division and periods for taking oral and/or written comments. No public comment was received and the regulations were adopted.

Copies of the Small Business Impact Statement and recordings of the workshop and hearing are available on the Division's website.

3. The number of persons from the public who:
- **a. Attended each hearing:** *November 12, 2025 - 5 attendees*
- **b. Testified at each hearing:** *November 12, 2025 – 0 public testimony*
- **c. Submitted to the agency written comments:** *0 public written comments*

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization

represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.
No oral testimony or written statements were provided by the public for the hearing.

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.
A Small Business Impact Survey was distributed on August 19, 2025, to the Division's Well Driller listserv, which includes all licensed well drillers in Nevada - some of whom are owners of well drilling businesses operating within the state. The Division received 13 responses to the questionnaire; however, 6 of those responses indicated they employed more than 150 employees and therefore did not qualify as a small business for the purpose of the survey. Supportive responses suggested the proposed regulations would provide a more direct pathway to licensure for experienced out of state well drillers, improved ability to expand business into Nevada, and more streamlined succession planning and onboarding for existing businesses. Some respondents expressed opposition about making any changes to the testing requirements or introducing reciprocity out of concern that there could be lesser qualified well drillers obtaining licenses in the state that may not be as familiar with the regulations. The Division utilized the responses from the survey, analyzed processes that result in delays to scheduling applicants for testing, and reviewed data from recent testing scores to assess impacts of the proposed regulations on small businesses.

A Small Impact Business Statement was prepared in response to this survey and is available on the Division's website.

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.
On March 12, 2025, the Division adopted temporary regulations covering the same general material as these permanent regulations. During and after that process, the Division completed a similar process of soliciting responses from small businesses to prepare a Small Business Impact Statement and holding both a public workshop and adoption hearing. After the adoption of the temporary regulations, the Division made minor adjustments to close a potential loophole with the draft sent to the Legislative Council Bureau. The version that was returned contained the details of the prior temporary regulations and the changes made to the permanent regulations. During the comments periods for preparing the Small Business Impact Statement, the public hearing, and the adoption hearing, the Division did not receive any comment that necessitated a changed to the language, so they were adopted without change.

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

a. Both adverse and beneficial effects; and

- **On business:** Testing for licensure will be more streamlined, and the Division's scheduling will be clarified, resulting in direct benefits to businesses and employees seeking licensure. While reciprocity may introduce additional competition into the state, it also enables businesses to attract skilled workers. Well drillers who already possess the necessary skills and expertise can get to work

more rapidly in Nevada with less regulatory barriers.

- **On the public:** The Division does not anticipate any impact on the public resulting from these regulations.

b. Both immediate and long-term effects.

- **On business:** The Division anticipates immediate impacts from a clearer and more efficient

licensing process, including = fewer onerous barriers to avoidable delays in scheduling and licensure. Long-term, the Division does not anticipate any effect to the standards of licensed well drillers.

- **On the public:** The Division does not anticipate any effect on the public resulting from these regulations.

8. The estimated cost to the agency for enforcement of the adopted regulation.
The Division does not anticipate incurring any additional cost resulting from the 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.
The regulation does not overlap or duplicate any existing regulation.

10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.
The regulation is not more stringent than federal regulation.

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.
The regulation does not create any new fees or increase an existing fee.

Nevada Division of
WATER RESOURCES

STATE OF NEVADA
Department of Conservation and Natural Resources
Joe Lombardo, *Governor*
James A. Settelmeyer, *Director*
Adam Sullivan, P.E., *State Engineer*

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608

September 16, 2025

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

A Small Business Impact Survey was sent on August 19, 2025, to licensed Nevada well drillers, some of which are the owners of well drilling companies that operate in the State. The survey included a summary description of the proposed regulation changes and began with questioning if the respondents' business fell under the definition of a small business. If the respondent qualified, they were prompted to answer the following questions.

1. If enacted, will the proposed changes to NAC 534 have a direct adverse economic effect upon your business?
2. Will the proposed regulation have any direct beneficial effect upon your business?
3. Do you anticipate any indirect adverse effects upon your business as a result of this proposed regulation?
4. Do you anticipate any indirect beneficial effects upon your business as a result of this proposed regulation?

Depending on their response to these questions, the survey taker may have been prompted to provide additional details, including estimated monetary values, if applicable.

The Division of Water Resources (Division) received 13 responses to the survey; however, only 7 indicated they qualified as a small business that employs fewer than 150 employees. The following table summarizes the responses received to the questions above by qualifying small businesses:

Yes or No	Q1	Q2	Q3	Q4
Yes	2	5	1	3
No	5	2	6	4

A couple of the respondents expressed opposition about making changes to testing standards or introducing reciprocal licenses out of concern that there could be lesser qualified well drillers obtaining licenses in the state that would not be as familiar with regulations.

Several other respondents expressed positive support for the proposed regulations, stating favorable positions for a more direct pathway to licensure for experienced out of state drillers, improved ability to expand into Nevada, and more streamlined succession planning and onboarding for existing businesses.

The correlation of responses to the potential financial impact to the small businesses that responded was inconclusive. Estimated annual impacts of $0 to over $10,000 were submitted with limited context as to how those estimates were derived.

In addition to the survey, the Division will be conducting a public workshop on October 3, 2025, at 9:00 am to solicit input and public comment on the proposed amendments to the regulations. The workshop will be held in person at the Division of Water Resources Bonnie Conference room located at 901 S. Stewart Street, Carson City, NV 89701, and broadcast virtually via Microsoft Teams. The Division will also accept written public comments.

2. **Describe the manner in which the analysis was conducted.**

   The Division solicited answers to a survey and comments from Nevada licensed well drillers, some of which are small business owners. The Division vetted all 13 responses to the survey. The Division will also hold a public workshop pursuant to NRS 233B.061 to solicit comments from interested persons which may cause the Division of Water Resources to amend this Small Business Impact Statement.

3. **The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

   The Division estimates that the proposed amendments to existing licensing regulations do not pose a significant direct or indirect economic burden on small businesses.

   The potential impacts resulting from establishing a pathway to obtain a license by way of reciprocity are difficult to estimate. It is possible that providing a more direct path to licensure by way of reciprocity could invite competitors from out-of-state to seek licensure in Nevada. As a result, they may be awarded projects that could otherwise be performed by an in-state contractor. The Division estimates this potential is greater for larger companies that perform work in many states and will minimally impact small businesses.

4. **Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

   The Division will hold a public workshop to accept public comments as described above. Comments received to both the Small Business Impact Survey and any that are received during the workshop will be considered with the proposed regulations to account for and minimize impacts on businesses.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**

   There are no anticipated costs for the Division.

6. **If the proposed 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.**

   The proposed regulation does not create a new fee or increase an existing fee.

7. **An explanation of why any duplicative or more stringent provisions other than federal, state or local standards regulating the same activity are necessary.**

   Not applicable.

8. **Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

   The proposed amendments to the regulations seek to provide clarity and updates to the requirements for obtaining a water well drilling license in Nevada.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained within the statement was prepared properly and is accurate.

Respectfully,

Adam Sullivan
State Engineer

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R032-25

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

AUTHORITY: §§ 1-3, NRS 391.019.

A REGULATION relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations: (1) prescribing the qualifications for licensing teachers and other educational personnel; and (2) setting forth the educational requirements a person must satisfy to qualify for an endorsement in a field of specialization. (NRS 391.019)

Specifically, existing regulations prescribe the requirements for the issuance of a business and industry endorsement and provide for the issuance of such an endorsement for: (1) a program of career and technical education in certain authorized programs of study; (2) a program in ethnic music, ethnic dance or dance performance; or (3) a program in military science. (NAC 389.803, as amended by LCB File No. R145-22, NAC 391.420, 391.425) In relevant part, existing regulations require an applicant for a business and industry endorsement to provide proof that the applicant has been employed for a specified period of time in a position related to the program for which the applicant is applying for the endorsement. Additionally, existing regulations require an applicant for certain programs of study related to agriculture or construction to prove that the work experience was in certain areas. (NAC 389.803, as amended by LCB File No. R145-22, NAC 391.425) **Section 2** of this regulation removes the specific requirements for an applicant to demonstrate that the work experience was in the designated area, and instead requires any applicant for a business or industry endorsement, regardless of the underlying program, to demonstrate that the work experience is in a business or industry position related to the program.

Existing regulations generally require an applicant who wishes to renew a business and industry endorsement for the first time to satisfy certain requirements for professional development. Existing regulations, however, exempt such an applicant who wishes to renew a business and industry endorsement for ethnic dance from these general professional development

requirements if the applicant has taken certain courses relating to classroom management or dance. (NAC 391.425) **Section 2** extends this exemption from the general professional development requirements to an applicant for a renewed business and industry endorsement for dance performance.

Existing regulations contemplate a business and industry endorsement for a program of study in automotive service technology. (NAC 391.425) However, existing regulations do not recognize a program of study for automotive service technology, thereby removing the ability of a person to receive a business and industry endorsement in this program of study. (NAC 389.803, as amended by LCB File No. R145-22, NAC 391.420, 391.425) **Section 2** removes the obsolete provisions for a business and industry endorsement for the program of study in automotive service technology.

Existing regulations prescribe the requirements for an endorsement to teach automotive service technology. (NAC 391.13065) **Section 3** of this regulation repeals the provisions relating to this endorsement.

Section 1 of this regulation makes a conforming change related to the renumbering of the provisions set forth in **section 2**.

Section 1. NAC 391.036 is hereby amended to read as follows:

391.036 1. Except as otherwise provided in this section, paragraph (h) of subsection 1 of NRS 391.019, NAC 391.0545, paragraph (a) of subsection 9 of NAC 391.0896, subsection 7 of NAC 391.0897, subsection 3 of NAC 391.180, subsection 3 of NAC 391.223, paragraph (b) of subsection 3 of NAC 391.231, paragraph (b) of subsection 3 of NAC 391.233, subsection 3 of NAC 391.276, subsection 2 of NAC 391.277, subsection 2 of NAC 391.279, subsection 4 of NAC 391.305, subsection 4 of NAC 391.312, subsection 2 of NAC 391.315, subsection 4 of NAC 391.320, subsection 3 of NAC 391.370, ~~[paragraph (b) of]~~ subsection ~~[4]~~ *3* of NAC 391.425, subsection 2 of section 2 of LCB File No. 123-22, subsection 2 of section 3 of LCB File No. 123-22, subsection 2 of section 1 of LCB File No. 124-22, section 2 of LCB File No. 128-22 and section 1 of LCB File No. R070-24, an applicant who applies for:

(a) A license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

(1) Basic reading, writing and mathematics;

(2) The principles and methods of teaching; and

(3) The subject matter of the area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment.

(b) An additional endorsement on a license held by the applicant must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in the subject matter of the area of endorsement for which the applicant is applying.

2. The Superintendent of Public Instruction may exempt an applicant from any of the tests required by subsection 1 if the applicant:

(a) Submits to the Department evidence that he or she:

(1) Has retired from teaching in this State;

(2) Held a special license, a license to teach elementary or secondary education, a license to teach special education, a license to teach pupils in a program of early childhood education or a license to teach middle school or junior high school education, which:

(I) Has expired within the year immediately preceding the date on which his or her application was submitted;

(II) Was free from any conditions that the applicant pass a competency test; and

(III) Authorized the applicant to teach in the same grade level and subject area for which he or she is applying to receive a license;

(3) Was required, for the issuance of the applicant's expired license, to complete courses of study and experience which are substantially equivalent to the courses of study and experience required for the issuance of the license for which he or she is applying; and

(4) Otherwise satisfies the requirements for the issuance of a license;

(b) Submits to the Department evidence that the applicant has passed, as part of a teacher education program approved by a state and offered through a regionally accredited college or university, competency examinations equivalent to those required of the applicant by subsection 1, as determined by the Department; or

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is acceptable to the Department for purposes of reciprocity.

3. An applicant is exempt from the requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department:

(a) Official documentation which indicates that he or she passed, within the 10 years immediately preceding the date on which his or her application was submitted and at the level of competency specified by the Commission:

(1) The "Praxis Core Academic Skills for Educators" in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) A test of basic skills that is determined by the Department to be equivalent to the test prescribed by subparagraph 1;

(b) Evidence that the applicant has:

(1) Received a master's or more advanced degree from a regionally accredited college or university; and

(2) Completed, within the 10 years immediately preceding the date on which his or her application was submitted, the "Graduate Record Examinations," prepared and administered by the Educational Testing Service, or its equivalent, and received a score which was at or above the midpoint of the score range in effect at the time the examination was administered;

(c) Official documentation which indicates that the applicant completed, within the 10 years immediately preceding the date on which his or her application was submitted:

(1) The ACT, administered by ACT, Inc., with a combined score of at least 21; or

(2) The SAT, administered by the Educational Testing Service, with a combined score of at least 1100; or

(d) Evidence that the applicant:

(1) Did not pass, at the level of competence specified by the Commission, the "Praxis Core Academic Skills for Educators" in reading, mathematics and writing, prepared and administered by the Educational Testing Service; and

(2) After not passing the competency test described in subparagraph (1), began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test described in subparagraph (1) that the applicant did not pass. Evidence of the completion of a course of study pursuant to this subparagraph must consist of official transcripts indicating completion of the course of study as required by this subparagraph.

4. An applicant is exempt from the requirement to pass a competency test in the principles and methods of teaching if he or she:

(a) Submits to the Department official documentation which indicates that the applicant passed, at the level of competency specified by the Commission, the "Principles of Learning and Teaching Test" prepared and administered by the Educational Testing Service; or

(b) Is applying for a license with an endorsement in an area for which training in the principles and methods of teaching is not required.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of the area of endorsement if he or she:

(a) Submits to the Department official documentation which indicates that the applicant passed, within the 10 years immediately preceding the date on which his or her application was submitted and at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for a license or endorsement in an area for which no competency tests have been approved by the Commission;

(c) Is applying for an endorsement to teach pupils who have speech and language impairments and submits to the Department official documentation which indicates that he or she has received a certificate of clinical competence from the American Speech-Language-Hearing Association; or

(d) Is applying for an endorsement in family and consumer sciences and submits to the Department official documentation which indicates that the applicant satisfactorily completed the "Family and Consumer Sciences Composite Examination," prepared and administered by the American Association of Family and Consumer Sciences.

6. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

Sec. 2. NAC 391.425 is hereby amended to read as follows:

391.425 1. To receive a business and industry endorsement, the applicant must:

(a) Have earned a high school diploma or its equivalent;

(b) Provide to the Department proof acceptable to the Department that the applicant has been employed:

(1) Full time for at least 2 years after 18 years of age in a position ***in a business or industry*** which relates to the program for which he or she is applying for endorsement; or

(2) For an aggregate total of 4,000 hours after 18 years of age in a position ***in a business or industry*** which relates to the program for which he or she is applying for endorsement; and

(c) Hold the appropriate professional license if one is required by law for employment in an occupation which the person desires to teach.

2. A person who holds a license with a business and industry endorsement or career and technical education endorsement may receive an additional business and industry endorsement if:

(a) He or she provides to the Department a Workforce Competency Credential issued by the National Occupational Competency Testing Institute, or its successor organization, related to the area of endorsement for which he or she is applying; or

(b) He or she:

(1) Provides to the Department proof acceptable to the Department that he or she has taught for at least 2 full academic years in a program of career and technical education; and

(2) Holds a recognized certification from the industry or field for which he or she is applying to add an additional business and industry endorsement.

3. ~~[To fulfill the requirement of work experience required by paragraph (b) of subsection 1, a person who wishes to receive a business and industry endorsement must, if the endorsement is for:~~

~~(a) Agricultural and natural resources science, have industry experience in at least three of the following areas:~~

~~(1) Agricultural business and marketing;~~

~~(2) Animal science or veterinary medicine;~~

~~(3) Forestry;~~

~~(4) Horticulture;~~

~~(5) Floriculture;~~

~~(6) Landscaping;~~

~~(7) Agricultural research; or~~

~~(8) Food science, food manufacturing or a combination thereof.~~

~~(b) Construction technology, have at least:~~

~~(1) One year of industry experience in carpentry; and~~

~~(2) One year or 2,000 total hours of industry experience in fields relating to construction, other than carpentry.~~

~~4.]~~ In addition to the requirements set forth in subsection 1, a person who wishes to receive or renew a business and industry endorsement ~~[must:~~

~~(a) If the endorsement is for automotive service technology, be certified by the National Institute for Automotive Service Excellence as:~~

~~(1) A master automobile technician; or~~

~~(2) An automobile technician in the following areas:~~

~~(I) Brakes;~~

~~(II) Electrical and electronic systems;~~

~~(III) Auto maintenance and light repair; and~~

~~(IV) Suspension and steering.~~

~~(b) If the endorsement is~~ for military science ~~,~~ ***must*** be certified by the secretary of the military branch in which the applicant serves or from which the applicant has retired to teach pupils in the Junior Reserve Officers' Training Corps program developed pursuant to 10 U.S.C. § 2031. A person who meets the requirements of this ~~paragraph~~ ***subsection*** and who teaches pupils in the Junior Reserve Officers' Training Corps program is exempt from the:

~~(1)~~ ***(a)*** Provisions of subsection ~~5;~~ ***4;*** and

~~(2)~~ ***(b)*** Provisions of NAC 391.036.

~~5.~~ ***4.*** Except as otherwise provided in ~~paragraph (b) of subsection 4 and~~ subsections ~~6~~ ***3 and 5*** to ~~9,~~ ***8,*** inclusive, a person who desires to renew for the first time an endorsement issued pursuant to this section must provide proof that he or she has received, from a regionally accredited postsecondary institution or an approved program in professional development for educators, credit for 12 semester hours or the equivalent number of hours of professional development as follows:

(a) Three semester hours or the equivalent number of hours of professional development in curriculum and instruction for career and technical education or secondary education;

(b) Three semester hours or the equivalent number of hours of professional development in a course involving teaching methodology for career and technical education or secondary education;

(c) Three semester hours or the equivalent number of hours of professional development in a course on career development and work-based learning; and

(d) Three semester hours or the equivalent number of hours of professional development in a course on career and technical student organization and management.

~~[6.]~~ ***5.*** A person who holds a master's degree or higher degree from a regionally accredited college or university in his or her area of endorsement is exempt from the requirements of paragraphs (c) and (d) of subsection ~~[5.~~

~~7.]~~ ***4.***

6. A person who adds an additional business and industry endorsement to an existing license pursuant to subsection 2 is exempt from the requirements of subsection ~~[5]~~ ***4*** for the additional endorsement.

~~[8.]~~ ***7.*** A person who desires to renew for the first time a business and industry endorsement for ethnic music issued pursuant to this section is exempt from the requirements of subsection ~~[5]~~ ***4*** if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or music methodology, or both; and

(b) Nine semester hours in the subject area of music.

~~[9.]~~ ***8.*** A person who desires to renew for the first time a business and industry endorsement for ethnic dance ***or dance performance*** issued pursuant to this section is exempt from the requirements of subsection ~~[5]~~ ***4*** if the person provides proof that he or she has received, from an accredited postsecondary institution, credit for 12 semester hours as follows:

(a) Three semester hours of course work that includes classroom management or dance methodology, or both; and

(b) Nine semester hours in the subject area of dance.

Sec. 3. NAC 391.13065 is hereby repealed.

TEXT OF REPEALED SECTION

391.13065 Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license. (NRS 391.019)

1. To receive an endorsement to teach automotive service technology, a person must:

(a) Hold a secondary license;

(b) Have satisfied the requirements for an endorsement in automotive service technology pursuant to subsection 2 of NAC 391.120; and

(c) Be certified by the National Institute for Automotive Service Excellence as:

(1) A master automobile technician; or

(2) An auto maintenance and light repair technician and as an automobile and light truck technician in the following areas:

(I) Brakes;

(II) Electrical and electronic systems; and

(III) Suspension and steering.

2. A person who has satisfied the requirements for an endorsement set forth in paragraphs (a) and (b) of subsection 1 but not the requirement of certification by the National Institute for Automotive Service Excellence required by paragraph (c) of that subsection may receive a provisional endorsement to teach automotive service technology. A provisional endorsement issued pursuant to this subsection is valid for 3 years and is not renewable.

3. A person who holds an endorsement to teach automotive service technology is entitled to receive 3 semester hours of credit toward the renewal of his or her license pursuant to NAC 391.065 for each area set forth in paragraph (c) of subsection 1 in which he or she is certified by the National Institute for Automotive Service Excellence as an auto maintenance and light repair technician, automobile and light truck technician or master automobile technician during the term of the license.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R032-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**5**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R032-25 occurred during the Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on January 15, 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 or immediate or long-term effect on the business that it regulation 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

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 OF 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

December 12, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R032-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:06 A.M.** on **Thursday, January 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.036, 391.13065 and 391.425 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government

agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, January 9, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, October 22, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - August 20, 2025

6. **Praxis Exams – Competency Exam Adoptions.** ***(Information/Discussion/For possible action).*** The Commission will consider adopting the Praxis Bridge option for additional current exams and a new Special Education exam for the Severe to Profound Intellectual Disability endorsement. The Commission may adopt or not adopt the new Special Education exam and the Praxis Bridge option for additional exams.
    - Jeff Briske, Director, Educator Development, Licensure, and Family Engagement (EDLiFE)

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.252. This regulation will comply with Senate Bill 175 by allowing a provisional endorsement to be issued. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to R035-25 NAC Chapter 391.420 _Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.420. This regulation will delineate specific areas for Ethnic music and Ethnic dance endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to R032-25, NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: qualifications; provisional endorsement; credit toward renewal of license.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036, 391.425, and 391.13065. This regulation will ensure that work experience is in a business or industry, repeals the automotive service technician endorsement, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments to R033-25, NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of a person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsement to teach program of bilingual education; provisional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.055, 391.059, and 391.242. This regulation will ensure that the holder of this endorsement will have a valid teaching license and pass an examination before the endorsement can be issued. This regulation will also ensure that a person must hold this endorsement to be in a bilingual assignment, repeals NAC 391.059, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to R034-25, NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.229, 391.237, 391.323, and 391.420. This regulation will conform language across these endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to R066-24, NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow a provisional license to be issued pending an official transcript aligning this provisional endorsement with other provisional endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to R040-25, NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.367 creating another pathway for a candidate from out of state. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program.** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 81 and Assembly Bill 49 creating a pathway for already licensed educators to obtain a school or program administrator endorsement.

15. **Endorsement to Teach Music, Art, Physical Education, and Physical Education & Health** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 400 requiring a person who is working in an elementary art, music, physical education, physical education & health assignment and working in a district with more than 200,000 pupils or an elementary with over 500 pupils to hold an endorsement in art, music, physical education and/or physical education & health.

16. **Voluntary surrender and reinstatement of license or endorsement** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.063. The intent of this regulation is to remove the notarized statement requirement when requesting to surrender a license or endorsement.

17. **Employment without a license or endorsement *(Information/Discussion).*** The Commission will consider a regulation to comply with Assembly Bill 49 allowing a public school to hire a teacher who has a valid renewable teaching license in another state and is pending Nevada educator licensure. This regulation will also allow a public school to hire a school nurse and/or social worker if they already have a Nevada Board License pending their Nevada educator licensure.

18. **Future Agenda Items**
    - Counseling regulation updates
    - Workshops and Public Hearings

19. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of
Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, October 22, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:02 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, October 17, 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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 6, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license.

I, Steve Canavero, being the duly appointed Interim Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Steve Canavero
Interim Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R033-25

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

AUTHORITY: §§ 1 and 2, NRS 391.019, as amended by section 4 of Senate Bill No. 115, chapter 302, Statutes of Nevada 2025, at page 1997, and 391.032; § 3, NRS 391.019, as amended by section 4 of Senate Bill No. 115, chapter 302, Statutes of Nevada 2025, at page 1997.

A REGULATION relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. Specifically, existing law requires the regulations adopted by the Commission to include a requirement that to teach pupils enrolled in a program of bilingual education, a person must hold an endorsement issued by the Department of Education to teach pupils enrolled in a program of bilingual education. (NRS 391.019, as amended by section 4 of Senate Bill No. 115, chapter 302, Statutes of Nevada 2025, at page 1997) **Section 2** of this regulation delineates this requirement.

To receive an endorsement to teach pupils enrolled in a program of bilingual education, existing regulations require a person to: (1) hold a bachelor's degree with a major in bilingual education, an elementary, secondary or special license, a license to teach special education or a license to teach middle school or junior high school; and (2) complete a bilingual program of preparation approved by the State Board of Education or certain courses of study. (NAC 391.242) **Section 2** makes various changes to the qualifications for receiving an endorsement to teach pupils enrolled in a program of bilingual education by: (1) removing the provisions relating to holding a bachelor's degree with a major in bilingual education; (2) additionally authorizing the person to hold a license to teach pupils in a program of early childhood education; and (3) requiring the bilingual program of preparation to be approved by the Department, instead of the Board.

In addition to the requirement to hold an endorsement to teach pupils enrolled in a program of bilingual education, existing regulations require the person holding the endorsement to pass an examination approved by the Commission which demonstrates that the person has oral and written proficiency in the native language not later than 2 years after receiving the endorsement. (NAC 391.242) **Section 2** removes the requirement that the person pass the examination within 2 years, and instead requires the person, as a condition of receiving an endorsement to teach pupils enrolled in a program of bilingual education, to pass an examination approved by the Commission which demonstrates that the person has oral and written proficiency in the native language.

Existing regulations generally authorize the Superintendent of Public Instruction to issue a provisional 1-year endorsement to a person who holds a renewable license issued in this State but does not meet certain requirements, such as having a deficiency in credits of 6 or fewer semester hours. (NAC 391.055) Existing regulations additionally authorize the Superintendent of Public Instruction to issue a provisional 1-year endorsement to teach a program of bilingual education if the person has a deficiency in credits of more than 6 semester hours. (NAC 391.242) **Section 2** removes the provisions related to the additional circumstances for issuing a provisional endorsement to teach a program of bilingual education, thereby providing for the issuance of a provisional endorsement under the general procedures. However, **section 2** prohibits the Superintendent of Public Instruction from issuing such a provisional endorsement to teach pupils enrolled in a program of bilingual education unless the person has passed the examination approved by the Commission relating to oral and written proficiency in the native language. **Section 1** of this regulation makes a conforming change relating to the requirement to pass the examination before a provisional endorsement to teach pupils enrolled in a program of bilingual education is issued by the Superintendent of Public Instruction.

Existing regulations require a school district which has a program of bilingual education to: (1) select or develop and administer an appropriate test or assessment to determine the language proficiency of a person assigned to teach pupils enrolled in a program of bilingual education; (2) maintain records of the testing or assessment; and (3) submit annually to the Department a report of the results of the testing or assessment. (NAC 391.059) **Section 3** of this regulation repeals these provisions.

Section 1. NAC 391.055 is hereby amended to read as follows:

391.055 1. ~~[The]~~ ***Except as otherwise provided in NAC 391.242, the*** Superintendent of Public Instruction may issue a provisional 1-year license or endorsement to a person who holds a renewable license issued in this State if the person otherwise meets the requirements for licensure, but:

(a) Has a deficiency in credits of 6 semester hours or less;

(b) Is a teacher, licensed and practicing in this State, applying for an additional license, other than for the teaching of pupils with disabilities, outside his or her grade level of experience as a student teacher; or

(c) Lacks confirmation from a college that the person has completed a school counseling practicum or internship if applying for a school counseling endorsement, but:

(1) Has completed all the required course work for the school counseling endorsement;

(2) Has completed 200 hours of the practicum or internship through a regionally accredited college or university, to include a minimum of 100 hours in a school setting at the time of application for licensure; and

(3) Is currently and continuously enrolled in a regionally accredited college or university school counseling practicum or internship program.

2. Except as otherwise provided in section 1 of LCB File No. R129-22, any experience as a teacher's aide, a teacher's assistant, an instructor of pupils in a Junior Reserve Officers' Training Corps or Jobs for America's Graduates program or a substitute teacher obtained by the holder of a provisional license, who is a teacher, licensed and practicing in this State, but who lacks student teaching experience at the proper grade level, will not be credited towards the requirement for teaching experience or student teaching necessary to qualify for the additional license or endorsement.

3. Any credits earned by the holder of a provisional license or endorsement to qualify for an elementary, secondary or special license, a license to teach special education, a license to teach middle school or junior high school education or a license to teach pupils in a program of early childhood education will not be counted as credits required to renew the elementary, secondary

or special license, the license to teach special education, or the license to teach middle school or junior high school education.

4. If holding an elementary, secondary or special license, a license to teach special education, a license to teach middle school or junior high school education or a license to teach pupils in a program of early childhood education is a prerequisite to qualifying for a particular provisional endorsement, any credits earned by the holder of the applicable license to qualify for that provisional endorsement may be counted toward:

(a) Removal of the provision under which the provisional endorsement was issued; and

(b) Renewal of the applicable license.

Sec. 2. NAC 391.242 is hereby amended to read as follows:

391.242 1. To teach pupils enrolled in a program of bilingual education, a person must ~~[:~~

~~(a) Hold]~~ ***hold*** an endorsement issued ~~[pursuant to]~~ ***in accordance with*** this section ***.*** ~~[; and~~

~~(b) Within 2 years after the issuance of an endorsement, pass an examination approved by the Commission which demonstrates the person's oral and written proficiency in the native language, if such an examination is available.]~~

2. To receive an endorsement to teach pupils in a program of bilingual education, a person must ~~[hold]~~ ***:***

(a) Hold a ~~[bachelor's degree with a major in bilingual education, an elementary,]~~ ***valid:***

(1) Elementary, secondary or special license ~~[, a license]~~ ***;***

(2) License to teach special education ~~[,]~~ ***;***

(3) License to teach pupils in a program of early childhood education; or ~~[a license]~~

(4) License to teach middle school or junior high school education ~~[,]~~ ***;***

(b) Pass an examination approved by the Commission which demonstrates that the person has oral and written proficiency in the native language; and ~~[must have]~~

(c) Have completed:

~~[(a)]~~ ***(1)*** A bilingual program of preparation for teaching pupils who are identified as having limited proficiency in English which has been approved by the ~~[Board]~~ ***Department*** for this purpose; or

~~[(b)]~~ ***(2)*** At least 12 semester hours of credit in a course of study which includes theories for the acquisition of a second language and at least three of the following other areas of study:

~~[(1)]~~ ***(I)*** Methods of teaching language arts or reading in the native language;

~~[(2)]~~ ***(II)*** Methods of teaching math, science and social studies in the native language;

~~[(3)]~~ ***(III)*** Testing and evaluating pupils of a second language in English and the native language;

~~[(4)]~~ ***(IV)*** Development of curriculum, materials and teaching methods for bilingual education;

~~[(5)]~~ ***(V)*** Native language and culture; or

~~[(6)]~~ ***(VI)*** Bilingual education, history, philosophy and theory.

3. The Superintendent of Public Instruction may ***not*** issue a provisional ~~[1-year]~~ endorsement to teach a program of bilingual education ~~[to a person who has a deficiency in credits of more than 6 semester hours if the school district, charter school or private school that will employ the person provides a written assurance to the Superintendent of Public Instruction that the person will complete the courses of study necessary to ensure that he or she has a deficiency in credits of 6 semester hours or less by the end of the 1-year period for which the~~

~~endorsement is valid. The written assurance must also identify the courses of study that will be completed.~~

~~4. Upon expiration of an endorsement issued pursuant to subsection 3, a person may apply for another provisional endorsement~~] pursuant to NAC 391.055 ~~[if he or she satisfies the requirements of that section.]~~ ***unless the person has passed the examination required by paragraph (b) of subsection 2.***

Sec. 3. NAC 391.059 is hereby repealed.

TEXT OF REPEALED SECTION

391.059 Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report. (NRS 391.019)

1. A school district which has a program of bilingual education shall select or develop, and administer, an appropriate test or other means of assessment to ascertain that the language proficiency of each teacher assigned to teach pupils enrolled in a program of bilingual education in the school district is sufficient to provide instruction to those pupils in a language other than English.

2. Passage of a test or other means of assessment administered by a school district pursuant to this section does not exempt a teacher from any other requirement of title 34 of NRS and any

regulations adopted pursuant thereto relating to licensure, endorsements or other required qualifications.

3. A school district that has a program of bilingual education shall:

(a) Maintain records of the testing or assessment conducted pursuant to this section of teachers assigned to teach pupils enrolled in a program of bilingual education in the school district; and

(b) Annually report to the Department the results of that testing or assessment conducted during the previous year.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R033-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. SB115 (2025) requires that the Commission adopt regulations regarding an endorsement to teach a program of bilingual education.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**5**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R033-25 occurred during the Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on January 15, 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 regulation 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

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 OF 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

December 12, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R033-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:07 A.M.** on **Thursday, January 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.055, 391.059, and 391.242 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

    Senate Bill No. 115, chapter 302, Statutes of Nevada 2025, at page 1997.

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, January 9, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, October 22, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - August 20, 2025

6. **Praxis Exams – Competency Exam Adoptions.** ***(Information/Discussion/For possible action).*** The Commission will consider adopting the Praxis Bridge option for additional current exams and a new Special Education exam for the Severe to Profound Intellectual Disability endorsement. The Commission may adopt or not adopt the new Special Education exam and the Praxis Bridge option for additional exams.
    - Jeff Briske, Director, Educator Development, Licensure, and Family Engagement (EDLiFE)

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.252. This regulation will comply with Senate Bill 175 by allowing a provisional endorsement to be issued. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to R035-25 NAC Chapter 391.420 _Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.420. This regulation will delineate specific areas for Ethnic music and Ethnic dance endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to R032-25, NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: qualifications; provisional endorsement; credit toward renewal of license.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036, 391.425, and 391.13065. This regulation will ensure that work experience is in a business or industry, repeals the automotive service technician endorsement, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments to R033-25, NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of a person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsement to teach program of bilingual education; provisional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.055, 391.059, and 391.242. This regulation will ensure that the holder of this endorsement will have a valid teaching license and pass an examination before the endorsement can be issued. This regulation will also ensure that a person must hold this endorsement to be in a bilingual assignment, repeals NAC 391.059, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to R034-25, NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.229, 391.237, 391.323, and 391.420. This regulation will conform language across these endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to R066-24, NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow a provisional license to be issued pending an official transcript aligning this provisional endorsement with other provisional endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to R040-25, NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.367 creating another pathway for a candidate from out of state. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program.** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 81 and Assembly Bill 49 creating a pathway for already licensed educators to obtain a school or program administrator endorsement.

15. **Endorsement to Teach Music, Art, Physical Education, and Physical Education & Health** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 400 requiring a person who is working in an elementary art, music, physical education, physical education & health assignment and working in a district with more than 200,000 pupils or an elementary with over 500 pupils to hold an endorsement in art, music, physical education and/or physical education & health.

16. **Voluntary surrender and reinstatement of license or endorsement** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.063. The intent of this regulation is to remove the notarized statement requirement when requesting to surrender a license or endorsement.

17. **Employment without a license or endorsement *(Information/Discussion).*** The Commission will consider a regulation to comply with Assembly Bill 49 allowing a public school to hire a teacher who has a valid renewable teaching license in another state and is pending Nevada educator licensure. This regulation will also allow a public school to hire a school nurse and/or social worker if they already have a Nevada Board License pending their Nevada educator licensure.

18. **Future Agenda Items**
    - Counseling regulation updates
    - Workshops and Public Hearings

19. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of
Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, October 22, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:03 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsements to teach program of bilingual education; provisional endorsement.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, October 17, 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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 6, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsements to teach program of bilingual education; provisional endorsement.

I, Steve Canavero, being the duly appointed Interim Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Steve Canavero
Interim Superintendent of Public Instruction

R034-25

ADOPTED REGULATION OF THE

COMMISSION ON PROFESSIONAL STANDARDS IN

EDUCATION

LCB File No. R034-25

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

AUTHORITY: §§ 1-4, NRS 391.019.

A REGULATION relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. Existing law also requires the Commission to adopt regulations prescribing the requirements that teachers, administrators and other educational personnel must satisfy to obtain certain endorsements in a field of specialization, including an endorsement in cultural competency. (NRS 391.019) To obtain an endorsement in cultural competency, English language acquisition and development or social, emotional and academic development, existing regulations require a person to hold certain teaching licenses or a special license issued by the Superintendent of Public Instruction and meet certain other criteria. (NAC 391.229, 391.237, 391.323) Under existing law, a special license authorizes the holder to teach or to perform other educational functions in a school or program, as designated in the license. (NRS 391.031) **Sections 1-3** of this regulation restrict the types of special licenses which a person may use to obtain an endorsement in cultural competency, English language acquisition and development or social, emotional and academic development to include only: (1) a special license to teach; (2) a special license with an endorsement as a school counselor, school nurse, mental health professional, school psychologist or social worker; or (3) an endorsement to teach pupils who have speech and language impairments. **Section 1** authorizes a person who holds a license to teach special education or a license to teach pupils in a program of early childhood education to obtain an endorsement in cultural competency if the person meets the other requirements for the endorsement. **Section 2** authorizes a person who holds a license to teach pupils in a program of

early childhood education to obtain an endorsement in English language acquisition and development if the person meets the other requirements for the endorsement.

Existing regulations authorize the Superintendent of Public Education to issue certain endorsements in social, emotional and academic development to an applicant who only holds one or more business and industry endorsements. (NAC 391.420) **Section 4** of this regulation updates the terminology used to refer to endorsements in social, emotional and academic development to reflect the terminology used in other regulations relating to such endorsements. (NAC 391.323)

Section 1. NAC 391.229 is hereby amended to read as follows:

391.229 1. To receive an endorsement in cultural competency, a person must:

(a) Hold ~~[an]~~ ***a license to teach*** elementary ~~[,]~~ ***or*** secondary ~~[or special license, or]~~ ***education, a license to teach special education, a license to teach pupils in a program of early childhood education,*** a license to teach middle school or junior high ***school*** education ~~[;]~~ ***, a special license to teach or a special license with an endorsement issued pursuant to NAC 391.180, 391.305, 391.312, 391.315, 391.320 or 391.370;*** and

(b) Have completed 12 semester hours of course work, including course work in each of the following areas of study:

(1) Three semester hours of course work in critical multicultural education, which must include:

(I) Cultural competency identification and assessment, development of knowledge bases and skill sets and building capacity for cultural competency;

(II) Awareness, knowledge and understanding of race and ethnicity, with the content of the course covering, without limitation, geographic origin, residency status, languages, socioeconomic status, sex, gender identity or expression, sexual orientation, religion, spirituality, age, physical appearance and disability;

(III) Equitable practice in pedagogy, selection and use of instructional materials and curriculum and assessments measuring student learning;

(IV) Communication and developing relationships with pupils, families, colleagues and community members;

(V) Alignment with the standards in the domain of instructional practices of the teacher in the classroom as prescribed by NAC 391.575 and the domain of professional responsibilities of the teacher to support learning and promote effectiveness of the school community as prescribed by NAC 391.576; and

(VI) Course materials which reflect current and relevant educational research and evidence-based practices;

(2) At least 2 semester hours of course work in culturally responsive engagement;

(3) At least 1 semester hour of a practicum, which must:

(I) Include, without limitation, at least 30 hours of culturally responsive community engagement work within an organization serving the community adjacent to a high-need school; and

(II) Demonstrate a practical application of all course content required by subparagraph (1);

(4) Three semester hours of course work driven by cultural assets in high-need school pedagogy, high-need school leadership or high-need school care or counseling; and

(5) Three semester hours of course work in participatory action research which includes completion of a participatory action research project related to a sociopolitical issue in education.

2. For the purpose of completing the requirements of subparagraph (3) of paragraph (b) of subsection 1, the 1 semester hour of practicum may be satisfied by the course in critical multicultural education pursuant to subparagraph (1) of paragraph (b) of subsection 1.

3. To receive an endorsement as a specialist in cultural competency, a person must:

(a) Have completed the requirements for the endorsement in cultural competency pursuant to subsection 1 **;** ~~[of this section;]~~

(b) Have at least 3 years of verified employment experience in this State in a position at a high-need school that requires licensure by the Superintendent of Public Instruction pursuant to chapter 391 of NRS; and

(c) Have completed a minimum of 9 credits of course work encompassing at least three of the following areas:

(1) Multicultural organizational development;

(2) Culturally responsive educational leadership in diverse educational organizations;

(3) Advanced course work in multicultural curriculum development;

(4) Advanced course work in ethnic studies, cultural studies or United States racial formations-focused history;

(5) Intergroup dialogue facilitation; or

(6) Justice-focused advocacy or justice-focused conflict negotiation.

4. As used in this section, "high-need school" has the meaning ascribed to it in 20 U.S.C. § 1021(11).

Sec. 2. NAC 391.237 is hereby amended to read as follows:

391.237 1. To receive an English language acquisition and development endorsement, a person must have:

(a) A valid ***license to teach*** elementary ~~[,]~~ ***or*** secondary ~~[or special license,]~~ ***education,*** a valid license to teach special education, ~~[or]~~ ***a valid license to teach pupils in a program of early childhood education,*** a valid license to teach middle school or junior high school education ~~[;]~~ ***, a valid special license to teach or a valid special license with an endorsement issued pursuant to NAC 391.180, 391.305, 391.312, 391.315, 391.320 or 391.370;***

(b) Completed at least 3 semester hours of credit in each of the following areas of study:

(1) Language acquisition theory and English language development practices;

(2) Methods and curriculum for teaching English learners; and

(3) Assessment and evaluation of English learners;

(c) Completed at least 2 semester hours of credit in one of the following areas of study:

(1) Policies, critical issues and best practices for English learners in prekindergarten and elementary school; or

(2) Policies, critical issues and best practices for English learners in secondary school; and

(d) Completed at least 1 semester hour of credit of practicum, which must include, without limitation, at least 25 hours of experience working in the classroom.

2. To receive an endorsement as a specialist in English language acquisition and development, a person must:

(a) Have completed the requirements for an English language acquisition and development endorsement as described in subsection 1; and

(b) Have completed at least 3 semester hours of credit in each of the following areas of study:

(1) Foundations in education in cultural and linguistic diversity; and

(2) Cultural and linguistic diversity program leadership.

3. Requirements for the successful completion of a course of study in which a person is enrolled are in addition to the requirements to receive an endorsement.

Sec. 3. NAC 391.323 is hereby amended to read as follows:

391.323 1. To receive an endorsement in social, emotional and academic development, a person must:

(a) Hold a valid ***license to teach*** elementary ~~[,]~~ ***or*** secondary ~~[or special license to teach,]~~ ***education,*** a valid license to teach special education, a valid license to teach pupils in a program of early childhood education or a valid license to teach middle school or junior high school education ~~[;]~~ ***, a valid special license to teach or a valid special license with an endorsement issued pursuant to NAC 391.180, 391.305, 391.312, 391.315, 391.320 or 391.370;*** and

(b) Have completed at least 3 semester hours of credit in each of the following areas of study:

(1) Introduction to social, emotional and academic development;

(2) Curriculum and methods for modeling, teaching and implementing social, emotional and academic development;

(3) Assessment, evaluation, monitoring and plan improvement of social, emotional and academic development; and

(4) Best practices which support policies, equity and critical issues for social, emotional and academic improvement.

2. To receive an endorsement as a specialist in social, emotional and academic development, a person must:

(a) Have completed the requirements for an endorsement in social, emotional and academic development pursuant to subsection 1;

(b) Have completed at least 3 semester hours of credit in at least one of the following areas of study:

(1) Foundations in cultural and linguistic diversity;

(2) Cultural and linguistic diversity program leadership; or

(3) Equity in education; and

(c) Have completed, in a school setting, at least 25 hours of practicum, or work experience determined to be equivalent by the Department, in social, emotional and academic development supports for all pupils and all educational personnel.

Sec. 4. NAC 391.420 is hereby amended to read as follows:

391.420 1. The Superintendent of Public Instruction shall issue to a qualified applicant a business and industry endorsement for a specific program area in:

(a) Any program of career and technical education set forth in NAC 389.803.

(b) Any of the following performing arts:

(1) Ethnic music;

(2) Ethnic dance; or

(3) Dance performance.

(c) Military science.

2. The Superintendent of Public Instruction may issue to a qualified applicant who holds a license with only one or more business and industry endorsements an endorsement:

(a) To teach advanced computer science pursuant to NAC 391.196;

(b) To teach introductory computer science pursuant to NAC 391.202;

(c) In cultural competency or as a specialist in cultural competency pursuant to NAC 391.229;

(d) In English language acquisition and development or as a specialist in English language acquisition and development pursuant to NAC 391.237; or

(e) ~~[As]~~ ***In social, emotional and academic development or as*** a specialist ~~[or as a professional specialist]~~ in social, emotional and academic development pursuant to NAC 391.323.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R034-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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 one person testified at the workshop in support of cultural competency. 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/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**5**) and Hearing (**0**)
   b. Testified at Workshop (**1**) and Hearing (**0**)
   c. 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.**
   Nisar Asadi, Individual, at nisar.asadi@gmail.com. (Minutes Attached)

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/commission-on-professional-standards/2025-commission-on-professional-standards-in-education-meeting-materials.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on January 15, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

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 OF 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

December 12, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R034-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:08 A.M.** on **Thursday, January 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.229, 391.237, 391.323, and 391.420 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government

agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, January 9, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, October 22, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - August 20, 2025

6. **Praxis Exams – Competency Exam Adoptions.** ***(Information/Discussion/For possible action).*** The Commission will consider adopting the Praxis Bridge option for additional current exams and a new Special Education exam for the Severe to Profound Intellectual Disability endorsement. The Commission may adopt or not adopt the new Special Education exam and the Praxis Bridge option for additional exams.
    - Jeff Briske, Director, Educator Development, Licensure, and Family Engagement (EDLiFE)

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.252. This regulation will comply with Senate Bill 175 by allowing a provisional endorsement to be issued. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to R035-25 NAC Chapter 391.420 _Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.420. This regulation will delineate specific areas for Ethnic music and Ethnic dance endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to R032-25, NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: qualifications; provisional endorsement; credit toward renewal of license.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036, 391.425, and 391.13065. This regulation will ensure that work experience is in a business or industry, repeals the automotive service technician endorsement, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments to R033-25, NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of a person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsement to teach program of bilingual education; provisional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.055, 391.059, and 391.242. This regulation will ensure that the holder of this endorsement will have a valid teaching license and pass an examination before the endorsement can be issued. This regulation will also ensure that a person must hold this endorsement to be in a bilingual assignment, repeals NAC 391.059, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to R034-25, NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.229, 391.237, 391.323, and 391.420. This regulation will conform language across these endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to R066-24, NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow a provisional license to be issued pending an official transcript aligning this provisional endorsement with other provisional endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to R040-25, NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.367 creating another pathway for a candidate from out of state. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program.** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 81 and Assembly Bill 49 creating a pathway for already licensed educators to obtain a school or program administrator endorsement.

15. **Endorsement to Teach Music, Art, Physical Education, and Physical Education & Health** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 400 requiring a person who is working in an elementary art, music, physical education, physical education & health assignment and working in a district with more than 200,000 pupils or an elementary with over 500 pupils to hold an endorsement in art, music, physical education and/or physical education & health.

16. **Voluntary surrender and reinstatement of license or endorsement** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.063. The intent of this regulation is to remove the notarized statement requirement when requesting to surrender a license or endorsement.

17. **Employment without a license or endorsement *(Information/Discussion).*** The Commission will consider a regulation to comply with Assembly Bill 49 allowing a public school to hire a teacher who has a valid renewable teaching license in another state and is pending Nevada educator licensure. This regulation will also allow a public school to hire a school nurse and/or social worker if they already have a Nevada Board License pending their Nevada educator licensure.

18. **Future Agenda Items**
    - Counseling regulation updates
    - Workshops and Public Hearings

19. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of
Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, October 22, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:04 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, October 17, 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://www.leg.state.nv.us/App/Notice/A/, 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.

1. Nisar Asadi, provided public comment regarding agenda item #11, Regulation 034-25, English Language Acquisition and Development (ELAD), Social Emotional Academic Development (SEAD), Cultural Competency *(A summary of the statement is available in Appendix A1)*

2. Kate Schum, Human Resources Director Compliance and Labor Relations, Washoe County School District, provided public comment on agenda item 17, Employment without a license or endorsement. *(A summary of the statement is available in Appendix A2)*

3. Dr. Elizabeth Glover provided public comment regarding licensing concerns and communication barriers. *(A summary of the statement is available in Appendix A3)*

ITEM A1: NISAR ASADI

Summary of Public Comment:
Provided public comment regarding Regulation 034-25, English Language Acquisition and Development (ELAD), Social Emotional Development (SEAD), Cultural Competency.

Good morning everyone and thank you very much for taking me on. It is an absolute pleasure to be a part of this platform. I am new to the United States, and I want to be a part of this sense of togetherness. My three kids are part of CCSD and all do a great deal of work in academics and professional development. My name is Nisar Asadi from Pakistan and as I've said my kids are part of CCSD. I'm pursuing my career in organizational psychology. I am working on my PhD here in the USA. I would like to provide comment on agenda item 11. Being new to this academic canvas what I've observed being a parent of three kids, is to try to develop what we call cultural competency since USA is the biggest canvas in the world for multicultural society. So, it's a positive contribution if we induce or somehow polish out teachers to be more culturally competent and to induce cultural competency in the system. Cultural competency requires understanding the cultural background and also including a flavor of the culture by inviting students from diverse backgrounds from Pakistan, Ghana and India for small presentations. This is my submission that we need to propagate all these possible actions into a practical manner. Thank you very much for your time and kind attention.

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 6, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.

I, Steve Canavero, being the duly appointed Interim Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Steve Canavero
Interim Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R035-25

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Commission of Professional Standards in Education is required to adopt regulations: (1) identifying fields of specialization in teaching; (2) requiring teachers to obtain from the Department of Education an endorsement to teach in such fields; and (3) establishing the educational requirements to obtain such an endorsement. (NRS 391.019)

Existing regulations authorize the Superintendent of Public Instruction to issue a business and industry endorsement in certain program areas, including ethnic music and ethnic dance. (NAC 391.420) This regulation: (1) creates specializations within the program areas of ethnic music and ethnic dance for which a business and industry endorsement may be issued; and (2) adds musical instrument technology and repair as a program area for which a business and industry endorsement may be issued.

This regulation also revises the terminology used to refer to endorsements in social, emotional and academic development to reflect the terminology used in other regulations relating to such endorsements. (NAC 391.323)

Section 1. NAC 391.420 is hereby amended to read as follows:

391.420 1. The Superintendent of Public Instruction shall issue to a qualified applicant a business and industry endorsement for a specific program area in:

(a) Any program of career and technical education set forth in NAC 389.803.

(b) Any of the following performing arts:

(1) Ethnic music ~~[;]~~ ***, with a specialization in:***

(I) Mariachi music;

(II) Polynesian music;

(III) Native American music;

(IV) Folk music; or

(V) World music.

(2) Ethnic dance ~~[; or]~~ ***, with a specialization in:***

(I) Mariachi dance;

(II) Polynesian dance;

(III) Native American dance; or

(IV) Folkloric dance.

(3) Dance performance.

(c) Military science.

(d) Musical instrument technology and repair.

2. The Superintendent of Public Instruction may issue to a qualified applicant who holds a license with only one or more business and industry endorsements an endorsement:

(a) To teach advanced computer science pursuant to NAC 391.196;

(b) To teach introductory computer science pursuant to NAC 391.202;

(c) In cultural competency or as a specialist in cultural competency pursuant to NAC 391.229;

(d) In English language acquisition and development or as a specialist in English language acquisition and development pursuant to NAC 391.237; or

(e) ~~[As]~~ ***In social, emotional and academic development or as*** a specialist ~~[or as a professional specialist]~~ in social, emotional and academic development pursuant to NAC 391.323.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R035-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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. No comments were received. To obtain a copy of the summary, please see the meeting minutes here: https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards/2025-commission-on-professional-standards-in-education-meeting-materials.

3. **The number of persons who:**
   a. Attended Workshop (**5**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R035-25 occurred during Workshop or Hearing.

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. No comment was received. Please see section 2 for further information**,** and to obtain a copy of the summary, please see the meeting minutes here: https://doe.nv.gov/boards-commissions-councils/commission-on-professional-standards/2025-commission-on-professional-standards-in-education-meeting-materials.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on January 15, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

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 OF 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

December 12, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R035-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:09 A.M.** on **Thursday, January 15, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapter 391.420 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government

agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, January 9, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, October 22, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - August 20, 2025

6. **Praxis Exams – Competency Exam Adoptions.** ***(Information/Discussion/For possible action).*** The Commission will consider adopting the Praxis Bridge option for additional current exams and a new Special Education exam for the Severe to Profound Intellectual Disability endorsement. The Commission may adopt or not adopt the new Special Education exam and the Praxis Bridge option for additional exams.
    - Jeff Briske, Director, Educator Development, Licensure, and Family Engagement (EDLiFE)

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.252. This regulation will comply with Senate Bill 175 by allowing a provisional endorsement to be issued. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to R035-25 NAC Chapter 391.420 _Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.420. This regulation will delineate specific areas for Ethnic music and Ethnic dance endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to R032-25, NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: qualifications; provisional endorsement; credit toward renewal of license.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036, 391.425, and 391.13065. This regulation will ensure that work experience is in a business or industry, repeals the automotive service technician endorsement, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments to R033-25, NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of a person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsement to teach program of bilingual education; provisional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.055, 391.059, and 391.242. This regulation will ensure that the holder of this endorsement will have a valid teaching license and pass an examination before the endorsement can be issued. This regulation will also ensure that a person must hold this endorsement to be in a bilingual assignment, repeals NAC 391.059, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to R034-25, NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.229, 391.237, 391.323, and 391.420. This regulation will conform language across these endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to R066-24, NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow a provisional license to be issued pending an official transcript aligning this provisional endorsement with other provisional endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to R040-25, NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.367 creating another pathway for a candidate from out of state. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program.** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 81 and Assembly Bill 49 creating a pathway for already licensed educators to obtain a school or program administrator endorsement.

15. **Endorsement to Teach Music, Art, Physical Education, and Physical Education & Health** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 400 requiring a person who is working in an elementary art, music, physical education, physical education & health assignment and working in a district with more than 200,000 pupils or an elementary with over 500 pupils to hold an endorsement in art, music, physical education and/or physical education & health.

16. **Voluntary surrender and reinstatement of license or endorsement** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.063. The intent of this regulation is to remove the notarized statement requirement when requesting to surrender a license or endorsement.

17. **Employment without a license or endorsement *(Information/Discussion).*** The Commission will consider a regulation to comply with Assembly Bill 49 allowing a public school to hire a teacher who has a valid renewable teaching license in another state and is pending Nevada educator licensure. This regulation will also allow a public school to hire a school nurse and/or social worker if they already have a Nevada Board License pending their Nevada educator licensure.

18. **Future Agenda Items**
    - Counseling regulation updates
    - Workshops and Public Hearings

19. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of
Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, October 22, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:01 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, October 17, 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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 6, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.

I, Steve Canavero, being the duly appointed Interim Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Steve Canavero
Interim Superintendent of Public Instruction

ADOPTED REGULATION OF THE

COMMISSION ON PROFESSIONAL STANDARDS IN

EDUCATION

LCB File No. R038-25

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations relating to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district in this State to prepare an annual report of accountability, including information on personnel, teachers and other licensed educational personnel and paraprofessionals employed by the school district. (NRS 385A.070, 385A.220, 385A.230) Existing regulations: (1) require the superintendent of each school district to submit a list of the district's licensed teachers and their teaching assignments to the Superintendent of Public Instruction; and (2) provide a process for the superintendent of a school district to submit a request for an exception for teachers in the school district who are teaching outside their area of endorsement. (NAC 391.146-391.158) This regulation removes the duplicative reporting requirement and the process for requesting an exception.

Section 1. NAC 391.146, 391.148, 391.150, 391.152, 391.154, 391.156 and 391.158 are hereby repealed.

TEXT OF REPEALED SECTIONS

391.146 "Exception" defined. (NRS 391.019) As used in NAC 391.146 to 391.158, inclusive, unless the context otherwise requires, "exception" means a waiver granted by the Superintendent of Public Instruction which permits the holder of a:

1. Secondary license; or
2. License to teach middle school or junior high school education,

➥ to teach outside his or her area of endorsement.

391.148 Applicability of provisions. (NRS 391.019) NAC 391.146 to 391.158, inclusive, do not apply to any teacher who received a secondary license:

1. Before September 1, 1980, and is teaching outside his or her area of endorsement on January 1, 1992.
2. On or after September 1, 1980, and before January 1, 1992, if the teacher:

(a) Submits a notarized affidavit stating that he or she has been teaching outside his or her area of endorsement for not less than 3 years before January 1, 1992; and

(b) Has, as of January 1, 1992, completed in a manner satisfactory to the Superintendent of Public Instruction not less than the equivalent of 6 semester hours of credit in the subject he or she is teaching which is outside his or her area of endorsement.

391.150 Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement. (NRS 391.019)

1. On or before October 1 of each year, the superintendent of each school district shall submit to the Superintendent of Public Instruction a list of the district's licensed teachers and their teaching assignments for the current school year.

2. On or before November 1 of each year, the Superintendent of Public Instruction shall provide the superintendent of each school district with a list of the names of teachers in the school district who are teaching outside their area of endorsement.

391.152 Request for exception: Submission; form and contents; objection. (NRS 391.019)

1. On or before November 15 of each year, the superintendent of a school district shall submit to the Superintendent of Public Instruction a written request for an exception for each teacher named in the list provided pursuant to subsection 2 of NAC 391.150. The request must be in the form prescribed by the Department.

2. A request for an exception must:

(a) Be accompanied by evidence that the licensed teacher has been notified by the district that:

(1) The request is being made; and

(2) He or she has a right to object to the request.

(b) Include a statement demonstrating that extenuating circumstances exist which justify an exception. These circumstances may include:

(1) The number of pupils enrolled in the school;

(2) The unavailability of teachers holding the required endorsement;

(3) Unusual temporary conditions such as double sessions or problems with the facilities of a school; and

(4) The unavailability of an endorsement for a teaching license in the area being taught.

(c) Be accompanied by evidence that all reasonable alternatives have been explored.

(d) Include a plan outlining how the district will eliminate future requests for the same exception.

3. A licensed teacher for whom an exception has been requested may submit a written objection to the Superintendent of Public Instruction within 60 days after receiving notice that the request for the exception is being made.

391.154 Request for exception: Action by Superintendent of Public Instruction. (NRS 391.019) Upon receiving a request for an exception, the Superintendent of Public Instruction shall:

1. On or before December 15, give written notice of whether the request for an exception is granted or denied to the superintendent who requested the exception and the teacher for whom the request was made.

2. Present to the Commission, at its next regularly scheduled meeting after December 15, a report which sets forth:

(a) The number of requests he or she has denied; and

(b) The name of the school district and the subjects taught for which an exception was granted.

3. Report annually to each school district any exceptions granted for the district.

391.156 Period of exception; extension of period. (NRS 391.019)

1. Except as otherwise provided in this section, an exception may be granted for not longer than 2 school years. An exception granted pursuant to a request to which an objection is made by the licensed teacher affected may be granted for not longer than 1 school year.

2. If the request for an exception:

(a) Relates to a course in the humanities, an elective course of study or a course that is supplemental to the basic curriculum prescribed by the Board; and

(b) Is for a teacher who is assigned to teach outside his or her area of endorsement at a middle, junior high, secondary or combined school that has less than 300 pupils enrolled and is located at least 30 miles from a school where the subject is taught by persons who have received endorsements in that area,

➥ the Superintendent of Public Instruction may extend the exception for 2 years if the superintendent of the school district submits to the Superintendent of Public Instruction a plan by which the conditions that necessitated the request can be eliminated within the period of the extension.

3. The Superintendent of Public Instruction may grant an exception for longer than 2 school years to a teacher of a program of alternative education who teaches outside his or her area of endorsement.

4. As used in this section:

(a) A "combined school" means a school which has secondary school, middle school or junior high school, and elementary school pupils in attendance, or which mixes one grade level with another.

(b) "Program of alternative education" has the meaning ascribed to it in subsection 5 of NAC 391.392.

391.158 Limitation on teaching of courses related to area of endorsement. (NRS 391.019)

1. A teacher with a secondary license, or a license to teach middle school or junior high school education, may teach not more than two courses which are related to his or her area of endorsement during any school year.

2. As used in this section, a course is "related" to an area of endorsement if the Commission determines that it is within the same field of study as that of the major or minor area of the endorsement.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R038-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R038-25 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on February 18, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

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 OF 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

January 16, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R038-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:00 A.M.** on **Wednesday, February 18, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding repeal of regulations pertaining to Chapter 391.146, 391.148, 391.150, 391.152, 391.154, 391.156 and 391.158 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal duplicative regulations that are more detailed in NRS.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, February 13, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, January 15, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:02 A.M. Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or viewed in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, January 9, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: December 17, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement.

I, Victor Wakefield, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R040-25

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations: (1) identifying fields of specialization in teaching; (2) requiring a teacher to obtain an endorsement in a field of specialization to be eligible to teach in that field; and (3) setting forth the educational requirements for a teacher to qualify for an endorsement in each field of specialization. (NRS 391.019) To receive an endorsement to teach in the field of adapted physical education to pupils who have disabilities in a setting other than a regular classroom, existing regulations require a person to: (1) have completed a program to teach adapted physical education approved by the State Board of Education; (2) hold a license or certificate, issued by another state, with an endorsement to teach adapted physical education to pupils who have disabilities; (3) hold a bachelor's or master's degree in adapted physical education and have completed certain experience in adapted physical education; or (4) hold a bachelor's or master's degree in physical education or special education and have completed certain experience in adapted physical education and certain course work, including course work in certain areas relating to adapted physical education or pupils with disabilities. (NAC 391.367) This regulation requires the program to teach adapted physical education to have been approved by the Commission, rather than the Board. This regulation also provides that a person may receive an endorsement to teach adapted physical education to pupils with disabilities in a setting other than a regular classroom if the person: (1) holds certain teaching licenses issued in this State or a license or certificate, issued by another state, with certain endorsements relating to special education or physical education; (2) has completed certain experience in adapted physical education; and (3) has completed 12 semester hours of course work that includes course work in certain areas relating to adapted physical education or pupils with disabilities.

Section 1. NAC 391.367 is hereby amended to read as follows:

391.367 1. Except as otherwise provided in section 1 of LCB File No. R011-24, before teaching adapted physical education to pupils, ages 3 to 21, inclusive, who have disabilities in a setting other than the regular classroom, a person must hold an endorsement issued pursuant to this section.

2. To receive the endorsement, the person must:

(a) Have completed a program of preparation for teaching adapted physical education which has been approved by the ~~[Board;]~~ ***Commission;***

(b) Hold a license or certificate, issued by another state, with an endorsement to teach adapted physical education to pupils who have disabilities;

(c) Hold a bachelor's or master's degree in adapted physical education and have completed a practicum, student teaching, equivalent field experience or 1 year of verifiable teaching experience in adapted physical education; ~~[or]~~

(d) Have completed a bachelor's or master's degree in physical education or special education and:

(1) Have completed a practicum, student teaching, equivalent field experience or 1 year of verifiable teaching experience in adapted physical education; and

(2) Have completed 12 semester hours of course work, including course work in the following areas:

(I) Introduction to adapted physical education;

(II) Assessment of pupils for adapted physical education;

(III) Methods and strategies in adapted physical education;

(IV) Introduction to special education or the education of pupils who have disabilities; and

(V) Parental involvement in programs for pupils who have disabilities ~~[.~~

~~➥ The]~~ ***; or***

(e) Have:

(1) An endorsement:

(I) Issued pursuant to NAC 391.280, 391.281 or 391.343 on a valid license to teach elementary or secondary education, a license to teach special education, a license to teach middle school or junior high school education, a license to teach pupils in a program of early childhood education or a special license issued by this State;

(II) To teach physical education on a secondary license with a major or minor in the field of specialization of physical education, as described in NAC 391.13048; or

(III) To teach special education or physical education with a license or certificate issued by another state;

(2) Completed a practicum, student teaching, equivalent field experience or 1 year of verifiable teaching experience in adapted physical education; and

(3) Completed 12 semester hours of course work which must include course work in each of the areas set forth in subparagraph (2) of paragraph (d).

3. For the purposes of paragraphs (d) and (e) of subsection 2, a person may satisfy the requirement ~~[for]~~ ***to complete*** course work in two of ~~[these]~~ ***the*** areas ~~[may be satisfied]~~ ***set forth in subparagraph (2) of paragraph (d) of subsection 2*** by completing one course, of at least 3 semester hours, that encompasses both subject matters.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R040-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R040-25 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on February 18, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

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 OF 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

January 16, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R040-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:01 A.M.** on **Wednesday, February 18, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding repeal of regulations pertaining to Chapter 391.367 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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**

governmental agencies: There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, February 13, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, October 22, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - August 20, 2025

6. **Praxis Exams – Competency Exam Adoptions.** ***(Information/Discussion/For possible action).*** The Commission will consider adopting the Praxis Bridge option for additional current exams and a new Special Education exam for the Severe to Profound Intellectual Disability endorsement. The Commission may adopt or not adopt the new Special Education exam and the Praxis Bridge option for additional exams.
    - Jeff Briske, Director, Educator Development, Licensure, and Family Engagement (EDLiFE)

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.252 – Endorsement to teach Junior Reserve Officers' Training Corps Program.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.252. This regulation will comply with Senate Bill 175 by allowing a provisional endorsement to be issued. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to R035-25 NAC Chapter 391.420 _Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.420. This regulation will delineate specific areas for Ethnic music and Ethnic dance endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to R032-25, NAC Chapter 391.036 – Tests of Competency required for initial license; exemptions; failure to comply, NAC 391.425 – Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 – Endorsement to teach automotive service technology: qualifications; provisional endorsement; credit toward renewal of license.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036, 391.425, and 391.13065. This regulation will ensure that work experience is in a business or industry, repeals the automotive service technician endorsement, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments to R033-25, NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of a person who holds renewable license issued in this State, NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report, and NAC 391.242 – Endorsement to teach program of bilingual education; provisional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.055, 391.059, and 391.242. This regulation will ensure that the holder of this endorsement will have a valid teaching license and pass an examination before the endorsement can be issued. This regulation will also ensure that a person must hold this endorsement to be in a bilingual assignment, repeals NAC 391.059, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to R034-25, NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.229, 391.237, 391.323, and 391.420. This regulation will conform language across these endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to R066-24, NAC Chapter 391.XXX – a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to a person who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow a provisional license to be issued pending an official transcript aligning this provisional endorsement with other provisional endorsements. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to R040-25, NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.367 creating another pathway for a candidate from out of state. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program.** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 81 and Assembly Bill 49 creating a pathway for already licensed educators to obtain a school or program administrator endorsement.

15. **Endorsement to Teach Music, Art, Physical Education, and Physical Education & Health** ***(Information/Discussion).*** The Commission will consider a regulation to comply with Senate Bill 400 requiring a person who is working in an elementary art, music, physical education, physical education & health assignment and working in a district with more than 200,000 pupils or an elementary with over 500 pupils to hold an endorsement in art, music, physical education and/or physical education & health.

16. **Voluntary surrender and reinstatement of license or endorsement** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.063. The intent of this regulation is to remove the notarized statement requirement when requesting to surrender a license or endorsement.

17. **Employment without a license or endorsement *(Information/Discussion).*** The Commission will consider a regulation to comply with Assembly Bill 49 allowing a public school to hire a teacher who has a valid renewable teaching license in another state and is pending Nevada educator licensure. This regulation will also allow a public school to hire a school nurse and/or social worker if they already have a Nevada Board License pending their Nevada educator licensure.

18. **Future Agenda Items**
    - Counseling regulation updates
    - Workshops and Public Hearings

19. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of
Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, October 22, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, October 17, 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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Steve Canavero
Interim
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 6, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities.

I, Steve Canavero, being the duly appointed Interim Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Steve Canavero
Interim Superintendent of Public Instruction

ADOPTED REGULATION OF THE

STATE CONTRACTORS' BOARD

LCB File No. R046-25

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

AUTHORITY: § 1, sections 39 and 40 of Assembly Bill No. 540, chapter 432, Statutes of Nevada 2025, at pages 2806 and 2807, respectively.

A REGULATION relating to contractors; revising requirements for the issuance by the State Contractors' Board of a contractor's license by endorsement and a provisional contractor's license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue a contractor's license by endorsement to an applicant who meets certain requirements, including, among other requirements, the requirement to: (1) submit to the Board proof of a contractual agreement to perform work on an attainable housing project in a rural area for which a contractor's license is required; and (2) hold a valid and unrestricted contractor's license in the District of Columbia or any state or territory of the United States and the Board determines that the qualifications for that contractor's license are substantially similar to the requirements for the issuance of a contractor's license in this State. (Section 39 of Assembly Bill No. 540, chapter 432, Statutes of Nevada 2025, at page 2806) Existing law sets forth similar requirements, among others, for the Board to issue a provisional contractor's license. (Section 40 of Assembly Bill No. 540, chapter 432, Statutes of Nevada 2025, at page 2807) Existing law requires the Board to adopt regulations necessary to carry out the provisions of existing law governing the issuance of a contractor's license by endorsement and a provisional contractor's license. (Sections 39 and 40 of Assembly Bill No. 540, chapter 432, Statutes of Nevada 2025, at pages 2806 and 2807, respectively)

This regulation provides that before the Board will issue a contractor's license by endorsement or a provisional contractor's license, the applicant is required to, in addition to complying with any other requirements: (1) submit to the Board a contractual agreement or bid to perform work on an attainable housing project in a rural area that is contingent on the applicant obtaining the license; and (2) have taken and passed certain examinations.

Section 1. Chapter 624 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Before the Board will issue a contractor's license by endorsement pursuant to section 39 of Assembly Bill No. 540, chapter 432, Statutes of Nevada 2025, at page 2806 or a provisional contractor's license pursuant to section 40 of Assembly Bill No. 540, chapter 432, Statutes of Nevada 2025, at page 2807 the applicant must, in addition to any other applicable requirements:

(a) Submit to the Board a contractual agreement or bid to perform work on an attainable housing project in a rural area that is contingent on the applicant obtaining the license; and

(b) Have taken and passed an examination that is:

(1) Administered by an independent testing service, as described in subsection 1 of NAC 624.600;

(2) Offered by an endorsing state and approved by the Board pursuant to NAC 624.615, as described in subparagraph (1) of paragraph (a) of subsection 2 of NAC 624.600; or

(3) Accredited by the National Association of State Contractors Licensing Agencies, as described in subparagraph (2) of paragraph (a) of subsection 2 of NAC 624.600.

2. As used in this section:

(a) "Attainable housing project" has the meaning ascribed to it in sections 39 and 40 of Assembly Bill No. 540, chapter 432, Statutes of Nevada 2025, at pages 2806 and 2807, respectively.

(b) "Endorsing state" has the meaning ascribed to it in NAC 624.600.

(c) "Rural area" has the meaning ascribed to it in sections 39 and 40 of Assembly Bill No. 540, chapter 432, Statutes of Nevada 2025, at pages 2806 and 2807, respectively.

NEVADA STATE CONTRACTORS BOARD

5390 KIETZKE LANE, SUITE 102, RENO, NV, 89511 (775) 688-1141 FAX (775) 688-1271, INVESTIGATIONS (775) 688-1150
8400 WEST SUNSET ROAD, SUITE 150, LAS VEGAS, NV, 89113 (702) 486-1100 FAX (702) 486-1190, INVESTIGATIONS (702) 486-1160

www.nscb.nv.gov

Informational Statement of Adopted Regulation as Required by Administrative Procedures Act, NRS 233B.066

LCB File No. R046-25

The following statement is submitted for adopted amendments to the Nevada Administrative Code (NAC) Chapter 624 in compliance with NRS 233.066.

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

NRS 624.220 authorizes the Nevada State Contractors Board (NSCB) to adopt regulations necessary to affect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business and to set limits on the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public.

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

The notice of workshop and notice of hearing to solicit comments on the proposed regulation was posted on the agency's website and on the Nevada Public Notice Website, State Library and Archives, Nevada's Regulation Notices website and both offices of the Nevada State Contractors Board. Additionally, the notice of workshop and hearing, and the proposed regulation were e-mailed electronically to approximately 627 individuals and organizations who have expressed interest in being kept informed of the Board's meetings, along with electronically to chambers of commerce and trade associations that are likely to be affected by the proposed regulation. Public comment was solicited in the Notice of Workshop and Hearing which included the proposed regulation and small business impact statement.

Public comment was also solicited at the workshop held on January 16, 2026 and at the hearing held on February 6, 2026 which all took place at the office of the Board at 8400 West Sunset Road, Suite 150, Las Vegas, NV and 5390 Kietzke Lane, Suite 102, Reno, Nevada 89511.

A summary of the public response may be found on the Nevada State Contractors Board website under Agendas and Minutes.

3. The number persons who:

(a) Attended each hearing: 5
(b) Testified at each hearing: 1
(c) Submitted to the agency written comments:
No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency:

Eduardo Martinez, Western Public Affairs, eduardo@westernpublicaffairs.com
Keibi Mejia, The Ferrato Co. Public Affairs, keibi@feratoco.com
Katherine Villasenor, The Ferrato Co. Public Affairs,
Katherine.villasenor@icloud.com
Cade Grogan, Ferrari Reeder Public Affairs
Jordan Krahenbuhl, Plumbing-Heating-Cooling Contractors Association,
jkrahenbuhl@phccnv.com

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.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2.

One comment by Eduardo Martinez of Western Public Affairs was received during the hearings public comment commending the NSCB and supporting all regulations heard this day.

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 regulation was adopted on February 25, 2026 without changing any part of the proposed regulation as no public comment was received at the workshop or hearing to change the proposed regulation and no written comments were received by the Board to change the proposed regulation.

7. The estimated cost to the agency for enforcement of the adopted regulation.

The proposed regulation will not result in any cost to the agency.

8. 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.

The proposed regulation does not overlap or duplicate any regulation.

9. 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 no federal regulations that apply.

10. 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 a new fee or increase an existing fee

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State
Proposed Regulation R046-25

1. **Background:**

NRS 624.220 authorizes the board to adopt regulations necessary to affect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business and to set limits on the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public.

During the 2025 legislative session, AB 540 was passed which requires under certain circumstances the Nevada State Contractors Board issue Licenses by Endorsement or Provisional Licenses to certain persons to perform work on attainable housing projects in certain rural areas.

2. **Description of Solicitation:**

The proposed regulation change adds language to the Nevada Administrative Code to coincide with the new bill passage of AB 540 for the classifications of a Contractor's License by Endorsement and Provisional Contractor's License.

3. **Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business?**

The Nevada State Contractors Board has determined that the proposed amendment should not have a negative financial impact upon a small business. The proposed regulation is not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

4. **How was that conclusion reached?**

The NSCB determined that the proposed changes are specific to how the NSCB itself operates and do not impact small businesses.

In reviewing the regulation changes, the NSCB found no evidence of negative economic effects on current NRS Chapter 624 licensees or individuals seeking licensure.

I, David Behar, Executive Officer of the Nevada State Contractors Board, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate.

Date: 12/29/25 Signature: _____

David Behar, Executive Officer
Nevada State Contractors Board

R047-25

ADOPTED REGULATION OF THE

STATE CONTRACTORS' BOARD

LCB File No. R047-25

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

AUTHORITY: § 1, NRS 624.100 and 624.240 and section 1 of Senate Bill No. 16, chapter 38, Statutes of Nevada 2025, at page 209.

A REGULATION relating to contractors; authorizing the State Contractors' Board to deny an application for a license and refuse to issue a license to a person for not more than 1 year after the person submits a bid for certain jobs without the proper license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of contractors by the State Contractors' Board. (Chapter 624 of NRS) Existing law prohibits a person from submitting a bid on a job located in this State without the proper contractor's license and establishes various penalties for a person who engages in such conduct, including, without limitation: (1) the imposition of civil penalties, criminal penalties and administrative fines; (2) the issuance of a cease and desist order; (3) the issuance of a citation; and (4) the imposition of disciplinary action if the person is a licensee. (NRS 624.212, 624.3015, 624.302, 624.341, 624.700, 624.710, 624.740, 624.750) Additionally, existing law authorizes the Board to prohibit a person who has been convicted of certain violations relating to acting as a contractor or submitting a bid on a job without the proper license from taking an examination for a contractor's license for a period of not more than 6 months after the date of the conviction. (NRS 624.245) Senate Bill No. 16 of the 2025 Legislative Session (S.B. 16) authorizes the Board to take an additional action against a person who is not a licensed contractor and who submits a bid on certain jobs. Specifically, under S.B. 16, if a person who is not a licensed contractor submits a bid on a job located in this State, in violation of existing law, and the value of the work to be performed is $1,000 or more, including labor and materials, the Board is authorized to refuse to issue the person a license as a contractor for a period of not more than 1 year after the person submits the bid. (Section 1 of Senate Bill No. 16, chapter 38, Statutes of Nevada 2025, at page 209)

This regulation incorporates this provision of S.B. 16 into existing regulations by authorizing the Board to deny an application for a contractor's license and refuse to issue a license under the circumstances set forth in S.B. 16.

Section 1. NAC 624.590 is hereby amended to read as follows:

624.590 1. A person must make a separate application for each classification of license in which the applicant desires to conduct business.

2. The Board will not consider an incomplete application. Each application must include, without limitation:

(a) All applicable fees;

(b) Except as otherwise provided in subsection 3, one or more of the following types of documentation supporting the experience of the applicant or his or her qualified employee:

(1) Four or more certificates of work experience completed on a form provided by the Board;

(2) A current certification as a master issued by a governmental agency in a discipline substantially similar to the requested classification;

(3) Proof of transferable military experience and training; or

(4) If the applicant is seeking credit pursuant to subsection 4 toward the experience requirement set forth in subsection 6 of NRS 624.260, a certified copy of the certificate of completion or degree provided to the applicant upon the successful completion of a training program described in subsection 4;

(c) All information which is required to be confirmed by a bank;

(d) The financial statement required by NAC 624.593;

(e) Pursuant to subsection 2 of NRS 624.265, a completed set of fingerprint cards and a form authorizing an investigation of the applicant's background and the submission of the fingerprints

to the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation;

(f) Except as otherwise provided by a court order, payment for any unpaid:

(1) Fines imposed on the applicant by the Board pursuant to this chapter or chapter 624 of NRS;

(2) Costs owed by the applicant to the Board pursuant to this chapter or chapter 624 of NRS; and

(3) Repayment of any amount owed by the applicant to the Recovery Fund pursuant to paragraph (b) of subsection 2 of NRS 624.530; and

(g) Any other information required by the Board.

3. The Board will waive the requirements set forth in paragraph (b) of subsection 2 if the applicant or his or her qualified employee:

(a) Has a minimum of 4 years of experience that is approved by the Board pursuant to NAC 624.615 as a contractor licensed in good standing in the endorsing state;

(b) Has not been investigated for misconduct as a contractor or had a license revoked, modified, limited, suspended or otherwise disciplined by the endorsing state or any other jurisdiction in which he or she has been licensed;

(c) Does not have any disciplinary actions or proceedings pending against the applicant or his or her qualified employee by a licensing body in the endorsing state or any other jurisdiction; and

(d) Provides a completed application pursuant to subsection 2 on the form provided by the Board that includes, without limitation, the endorsing state verifying on a form provided by the Board that the applicant or his or her qualified employee has a valid license.

4. Pursuant to NRS 622.087, the Board may grant not more than 3 years of credit toward the satisfaction of the experience requirement set forth in subsection 6 of NRS 624.260 to an applicant who has successfully completed a training program for occupational, vocational, career, trade or technical education if the training program:

(a) Is provided in secondary or postsecondary education;

(b) Is approved by the Board and the State Board of Education; and

(c) Provided training in a discipline substantially similar to the classification in which the applicant is applying for licensure.

5. The Board shall deem an application to be withdrawn if the Board has not received all the information and fees required to complete the application within 6 months after the date the application is submitted to the Board. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant or his or her qualified employee otherwise withdraws an application, the Board may not issue a license to the applicant or his or her qualified employee unless the applicant or his or her qualified employee submits a new application and pays the required fees.

6. ***If a person has submitted a bid on a job situated within this State without being licensed as a contractor in this State, in violation of chapter 624 of NRS, and the value of the work to be performed is $1,000 or more, including labor and materials, the Board, pursuant to section 1 of Senate Bill No. 16, chapter 38, Statutes of Nevada 2025, at page 209, may deny an application for a license and refuse to issue a license to that person for not more than 1 year after the date of the bid.***

7. As used in this section:

(a) "Endorsing state" means any state or territory in the United States, or the District of Columbia, that the Board determines to have requirements for licensing contractors which are substantially equivalent to the requirements for licensing contractors in this State pursuant to NAC 624.615.

(b) "Person" means:

(1) A natural person;

(2) A corporation, partnership, limited partnership or limited-liability company that is organized pursuant to the laws of this State; or

(3) A foreign corporation, foreign partnership, foreign limited partnership or foreign limited-liability company that is authorized to do business in this State.

NEVADA STATE CONTRACTORS BOARD

5390 KIETZKE LANE, SUITE 102, RENO, NV, 89511 (775) 688-1141 FAX (775) 688-1271, INVESTIGATIONS (775) 688-1150
8400 WEST SUNSET ROAD, SUITE 150, LAS VEGAS, NV, 89113 (702) 486-1100 FAX (702) 486-1190, INVESTIGATIONS (702) 486-1160

www.nscb.nv.gov

Informational Statement of Adopted Regulation as Required by Administrative Procedures Act NRS 233B.066

LCB File No. R047-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 624 in compliance with NRS 233.066.

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

NRS 624.220 authorizes the Nevada State Contractors Board (NSCB) to adopt regulations necessary to affect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business and to set limits on the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public.

The Nevada State Contractors Board proposes changes to an existing regulation based upon the passage of SB16 from the 2025 legislative session, which amends NRS 624 to authorize the Board to refuse to issue a license to any unlicensed person who submits a bid for work valued at $1,000 or more, including both labor and materials on jobs located within this State. Under this amendment, the Board may exercise this authority for up to one year from the date the unlawful bid was submitted. This change is necessary to enforce requirements established by SB16.

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

The notice of workshop and notice of hearing to solicit comments on the proposed regulation was posted on the agency's website and on the Nevada Public Notice Website, State Library and Archives, Nevada's Regulation Notices website and both offices of the Nevada State Contractors Board. Additionally, the notice of workshop and hearing, and the proposed regulation were e-mailed electronically to approximately 627 individuals and organizations who have expressed interest in being kept informed of the Board's meetings, along with electronically to chambers of commerce and trade associations that are likely to be affected by the proposed

regulation. Public comment was solicited in the Notice of Workshop and Hearing which included the proposed regulation and small business impact statement.

Public comment was also solicited at the workshop held on January 16, 2026 and at the hearing held on February 6, 2026 which all took place at the office of the Board at 8400 West Sunset Road, Suite 150, Las Vegas, NV and 5390 Kietzke Lane, Suite 102, Reno, Nevada 89511.

A summary of the public response may be found on the Nevada State Contractors Board website under Agendas and Minutes.

3. The number persons who:

(a) Attended each hearing: 5
(b) Testified at each hearing: 1
(c) Submitted to the agency written comments: No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency:

Eduardo Martinez, Western Public Affairs, eduardo@westernpublicaffairs.com

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.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2**.**

One comment by Eduardo Martinez of Western Public Affairs was received during the hearings public comment commending the NSCB and supporting all regulations heard this day.

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 regulation was adopted on February 25, 2026 without changing any part of the proposed regulation as no public comment was received at the workshop or hearing to change the proposed regulation and no written comments were received by the Board to change the proposed regulation.

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

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects.

(a) Both adverse and beneficial effects

This regulation is not expected to have any adverse effects. One additional benefit will be that licensed contractors will have opportunity to bid on more projects and the public will be protected by hiring licensed contractors.

(b) Both immediate and long-term effects.

The immediate and long-term effects of this regulation will result in benefit to existing, licensed contractors and also to the public.

8. 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.

The proposed regulation does not overlap or duplicate any regulation

9. 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 no federal regulations that apply.

10. 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 a new fee or increase an existing fee.

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State
Proposed Regulation R047-25

1. **Background:**

NRS 624.220 authorizes the Board to adopt regulations necessary to affect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business and to set limits on the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public.

During the 2025 legislative session, SB 16, an act that authorizes the Board to deny an application for a license should the person submit a bid for jobs without the proper license.

2. **Description of Solicitation:**

The Nevada State Contractors Board proposes changes to an existing regulation based upon the passage of SB16 from the 2025 legislative session, which amends NRS 624 to authorize the Board to refuse to issue a license to any unlicensed person who submits a bid for work valued at $1,000 or more, including both labor and materials on jobs located within this State. Under this amendment, the Board may exercise this authority for up to one year from the date the unlawful bid was submitted. This change is necessary to enforce requirements established by SB16.

3. **Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business?**

The Nevada State Contractors Board has determined that the proposed amendment does not have a negative financial impact upon a small business. The proposed regulation is not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

4. **How was that conclusion reached?**

The NSCB determined that the proposed changes are specific to how the NSCB itself operates and do not impact small businesses.

In reviewing the regulation changes, the NSCB found no evidence of negative economic effects on current NRS Chapter 624 licensees or individuals seeking licensure.

I, David Behar, Executive Officer of the Nevada State Contractors Board, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate.

Date: 4/14/26 Signature: _____

David Behar, Executive Officer
Nevada State Contractors Board

ADOPTED REGULATION OF THE

STATE CONTRACTORS' BOARD

LCB File No. R048-25

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

AUTHORITY: §§ 1-6, NRS 624.100 and 624.220; §§ 7 and 8, NRS 624.100, 624.220 and 624.875, as amended by section 33 of Assembly Bill No. 458, chapter 254, Statutes of Nevada 2025, at page 1748.

A REGULATION relating to contractors; imposing certain requirements on solar installation companies that sell and install distributed generation systems, persons who generate leads or referrals to perform work concerning distributed generation systems and distributed generation system financiers who finance the purchase of or lease of distributed generation systems; establishing certain requirements for an agreement for the purchase or lease of a distributed generation system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each solar installation company that sells and installs distributed generation systems in this State to hold a license issued by the State Contractors' Board which authorizes the performance of such work. (NRS 598.9808, as amended by section 25 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at page 2292, NRS 624.860) Existing law: (1) prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system; and (2) makes it a deceptive trade practice for a person to violate certain requirements relating to such an agreement. (NRS 598.9801-598.9822, as amended by sections 22 to 25, inclusive, of Assembly Bill No. 458, chapter 254, Statutes of Nevada 2025, at pages 1742 and 1743, section 37 of Assembly Bill No. 493, chapter 27, Statutes of Nevada 2025, at page 143, sections 24 to 33, inclusive, of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at pages 2292-2303 and sections 14.5 to 21.5, inclusive, of Senate Bill No. 440, chapter 262, Statutes of Nevada 2025, at pages 1808-1817; sections 20 and 21 of Assembly Bill No. 458, chapter 254, Statutes of Nevada 2025, at page 1742, sections 23.1 to 23.8, inclusive, of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at pages 2286-2291 and sections 14.1 to 14.4, inclusive, of Senate Bill No. 440, chapter 262, Statutes of Nevada 2025, at page 1808)

Among other contractual requirements, existing law requires a solar installation company to conduct an on-site physical survey of the installation site and provides a lessee, purchaser or host customer the right to rescind an agreement if the results of a survey conducted after

execution of the agreement would require certain alterations of the agreement. (Section 23.2 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at page 2289) Existing law also prohibits: (1) a distributed generation system financier from paying a solar installation company more than a certain amount before the date on which the system receives permission to connect to the power grid of the appropriate public utility or passes a final inspection and becomes operational; and (2) prohibits a solar installation company from accepting any payment as an initial down payment or deposit that exceeds a certain amount. (Sections 23.21 and 23.6 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at pages 2289 and 2291, respectively) Finally, existing law prohibits a solar installation company, a person who generates leads or referrals to perform work concerning a distributed generation system or a distributed generation system financier from engaging in certain conduct, including, without limitation, certain specified deceptive or fraudulent conduct in connection with a lease, purchase or contract. (Section 23.8 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at page 2291)

Under existing law and regulations, a person who commits certain other violations with respect to contracts for work concerning a residential photovoltaic system, including a distributed generation system, is subject to disciplinary action by the Board and other penalties. (NRS 624.895, as amended by section 35 of Assembly Bill No. 458, chapter 254, Statutes of Nevada 2025, at page 1752; NAC 624.6975-624.7296)

Sections 6-8 of this regulation provide that a person who commits a deceptive trade practice under existing law relating to a distributed generation system is also subject to such disciplinary action by the Board and other penalties.

Existing law defines the terms "distributed generation system," "distributed generation system financier" and "solar installation company" in relation to certain deceptive trade practices. (NRS 598.9804, as amended by section 23 of Assembly Bill No. 458, chapter 254, Statutes of Nevada 2025, at page 1742, NRS 598.9808, as amended by section 25 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at page 2292; section 23.11 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at page 2286) **Sections 1-5** of this regulation incorporate those definitions into the Nevada Administrative Code in relation to certain disciplinary action by the Board and other penalties.

Section 1. Chapter 624 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. *"Distributed generation system" has the meaning ascribed to it in NRS 598.9804, as amended by section 23 of Assembly Bill No. 458, chapter 254, Statutes of Nevada 2025, at page 1742.*

Sec. 4. *"Distributed generation system financier" has the meaning ascribed to it in section 23.11 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at page 2286.*

Sec. 5. *"Solar installation company" has the meaning ascribed to it in NRS 598.9808, as amended by section 25 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at page 2292.*

Sec. 6. *In addition to the requirements set forth in this chapter and chapter 624 of NRS, each solar installation company, person who generates leads or referrals to perform work concerning a distributed generation system and distributed generation system financier shall comply with the provisions of NRS 598.9801 to 598.9822, inclusive, as amended by sections 22 to 25, inclusive, of Assembly Bill No. 458, chapter 254, Statutes of Nevada 2025, at pages 1742 and 1743, section 37 of Assembly Bill No. 493, chapter 27, Statutes of Nevada 2025, at page 143, sections 24 to 33, inclusive, of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at pages 2292 to 2303 and sections 14.5 to 21.5, inclusive, of Senate Bill No. 440, chapter 262, Statutes of Nevada 2025, at pages 1808 to 1817, and sections 20 and 21 of Assembly Bill No. 458, chapter 254, Statutes of Nevada 2025, at page 1742, sections 23.1 to 23.8, inclusive, of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at pages 2286 to 2291 and sections 14.1 to 14.4, inclusive, of Senate Bill No. 440, chapter 262, Statutes of Nevada 2025, at page 1808.*

Sec. 7. ***An agreement for the lease of a distributed generation system must comply with the requirements of NRS 598.9809 and 598.9811, as amended by section 37 of Assembly Bill No. 493, chapter 27, Statutes of Nevada 2025, at page 143, sections 26 and 27 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at pages 2293 and 2294, respectively, and sections 15 and 16 of Senate Bill No. 440, chapter 262, Statutes of Nevada 2025, at pages 1808 and 1810, respectively.***

Sec. 8. ***An agreement for the purchase of a distributed generation system must comply with the requirements of NRS 598.9813 and 598.9814, as amended by sections 28 and 29 of Senate Bill No. 379, chapter 338, Statutes of Nevada 2025, at pages 2296 and 2298, respectively, and sections 17 and 18 of Senate Bill No. 440, chapter 262, Statutes of Nevada 2025, at pages 1811 and 1812, respectively.***

NEVADA STATE CONTRACTORS BOARD

5390 KIETZKE LANE, SUITE 102, RENO, NV, 89511 (775) 688-1141 FAX (775) 688-1271, INVESTIGATIONS (775) 688-1150
8400 WEST SUNSET ROAD, SUITE 150, LAS VEGAS, NV, 89113 (702) 486-1100 FAX (702) 486-1190, INVESTIGATIONS (702) 486-1160

www.nscb.nv.gov

Informational Statement of Adopted Regulation as Required by Administrative Procedures Act, NRS 233B.066

LCB File No. R048-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 624 in compliance with NRS 233.066.

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

NRS 624.220 authorizes the Nevada State Contractors Board (NSCB) to adopt regulations necessary to affect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business and to set limits on the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public.

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

The notice of workshop and notice of hearing to solicit comments on the proposed regulation was posted on the agency's website and on the Nevada Public Notice Website, State Library and Archives, Nevada's Regulation Notices website and both offices of the Nevada State Contractors Board. Additionally, the notice of workshop and hearing, and the proposed regulation were e-mailed electronically to approximately 627 individuals and organizations who have expressed interest in being kept informed of the Board's meetings, along with electronically to chambers of commerce and trade associations that are likely to be affected by the proposed regulation. Public comment was solicited in the Notice of Workshop and Hearing which included the proposed regulation and small business impact statement.

Public comment was also solicited at the workshop held on January 16, 2026 and at the hearing held on February 6, 2026 which all took place at the office of the Board at 8400 West Sunset Road, Suite 150, Las Vegas, NV and 5390 Kietzke Lane, Suite 102, Reno, Nevada 89511.

A summary of the public response may be found on the Nevada State Contractors Board website under Agendas and Minutes

3. The number persons who:

(a) Attended each hearing: 5
(b) Testified at each hearing: 1
(c) Submitted to the agency written comments: No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency:

Eduardo Martinez, Western Public Affairs, eduardo@westernpublicaffairs.com
Keibi Mejia, The Ferrato Co. Public Affairs, keibi@feratoco.com
Katherine Villasenor, The Ferrato Co. Public Affairs, Katherine.villasenor@icloud.com
Cade Grogan, Ferrari Reeder Public Affairs
Jordan Krahenbuhl, Plumbing-Heating-Cooling Contractors Association, jkrahenbuhl@phccnv.com

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.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2.

One comment by Eduardo Martinez of Western Public Affairs was received during the hearings public comment commending the NSCB and supporting all regulations heard this day.

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 regulation was adopted on February 25, 2026 without changing any part of the proposed regulation as no public comment was received at the workshop or hearing to change the proposed regulation and no written comments were received by the Board to change the proposed regulation.

7. The estimated cost to the agency for enforcement of the adopted regulation.

The proposed regulation will not result in any cost to the agency.

8. 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.

The proposed regulation does not overlap or duplicate any regulation

9. 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 no federal regulations that apply.

10. 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 a new fee or increase an existing fee.

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State
Proposed Regulation R048-25

1. **Background:**

The proposed regulation is required due to the passages of AB458, AB493, SB379, and SB440 during the 2025 legislative session. The proposed amended regulation incorporates statutory requirements for solar installation companies, lead generators, and system financiers, and ensures that all parties comply with updated consumer protection provisions.

2. **Description of Solicitation:**

The NSCB intends to solicit comments on the proposed regulation as part of the public workshop scheduled for January 16, 2026.

The proposed regulation places new rules on how companies can solicit business for distributed generation systems and anyone generating leads or referrals for solar installation work must follow certain guidelines and restrictions regarding potential customers.

3. **Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business?**

The Nevada State Contractors Board has determined that the proposed amendment should not have a negative financial impact upon a small business. The proposed regulation is not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

4. **How was that conclusion reached?**

The NSCB made a concerted effort to determine whether the proposed amended regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. The NSCB has preliminarily determined that the amended regulation is unlikely to impose a direct and significant economic burden upon a small business, result in any direct or indirect adverse effects on small businesses or directly restrict the formation, operation, or expansion of a small business.

I, David Behar, Executive Officer of the Nevada State Contractors Board, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate.

Date: 12/29/25 Signature: _____

David Behar, Executive Officer
Nevada State Contractors Board

ADOPTED REGULATION OF THE

COMMISSION ON MINERAL RESOURCES

LCB File No. R050-25

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

AUTHORITY: §§ 1 and 2, NRS 513.063.

A REGULATION relating to mines; revising requirements concerning the confidentiality of certain information submitted to the Administrator of the Division of Minerals of the Commission on Mineral Resources; revising the date upon which certain annual reports are required to be submitted to the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Mineral Resources to adopt regulations to carry out the duties of the Commission and the Division of Minerals of the Commission. (NRS 513.063)

Existing regulations set forth procedures by which a person who submits certain information to the Administrator may assert a claim requesting that the information be kept confidential. With certain exceptions, existing regulations require information for which such a claim is asserted to be kept confidential. Existing regulations prohibit the Administrator from classifying certain information as confidential including, among other information, information required to be submitted to the Administrator that relates to the annual production of the commodity. (NAC 513.070) **Section 1** of this regulation creates a limited exception from that prohibition for certain production information under certain circumstances. Under **section 1**, if a person, on or before April 15 of any year, submits to the Administrator information concerning the annual production of the commodity for the immediately preceding year, the person may assert a claim at the time of submission requesting that the information be kept confidential. If a person asserts such a claim at the time of submission, **section 1** requires the information to be kept confidential until April 15 of that year. **Section 1** maintains the prohibition against classifying information concerning the annual production of the commodity as confidential for any such information submitted to the Administrator for which a claim is not asserted.

Section 2 of this regulation revises, from April 15 of each year to February 16 of each year, the date upon which each operator of a mine is required to submit to the Administrator a report relating to the annual status and production of the mine for the preceding calendar year.

Section 1. NAC 513.070 is hereby amended to read as follows:

513.070 1. Except as otherwise provided in subsection 4, any information submitted to the Administrator pursuant to the provisions of NAC 513.010 to 513.120, inclusive, may be classified as confidential by the person submitting the information. If the person submitting the information wishes the Administrator to consider the information confidential, the claim must be asserted at the time of submission by stamping or writing "confidential business information" on each page containing the information.

2. If a claim is asserted, the information so kept must remain confidential except that the information may be used in connection with other data if use of that information would not disclose the identity of the confidential information.

3. If a claim is not made at the time of submission, the Administrator may make the information available to the public without further notice.

4. The Administrator will not classify as confidential any information required to be submitted to him or her pursuant to the provisions of NAC 513.010 to 513.120, inclusive, if the information relates to:

(a) The name and address of the person conducting the operation of the mine;

(b) ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** annual production of the commodity;

(c) The amount of the tax on the net proceeds of a mine and the amount of the tax on the property of the operation; or

(d) The number of persons employed by a mine.

5. A person who, before April 15 of any calendar year, submits information to the Administrator relating to the annual production of the commodity for the immediately preceding year may assert a claim at the time of submission in accordance with subsection 1 requesting that the Administrator consider the information to be confidential. If such a claim is asserted at the time of submission, the information must be kept confidential until April 15 of the year in which the information is submitted. On and after that date, the information is no longer confidential.

Sec. 2. NAC 513.120 is hereby amended to read as follows:

513.120 On or before ~~[April 15]~~ ***February 16*** of each year, each operator shall submit to the Administrator a report relating to the annual status and production of the mine for the ***immediately*** preceding calendar year.

THE NEVADA DIVISION OF MINERALS OF THE

COMMISSION ON MINERAL RESOURCES

INFORMATIONAL STATEMENT

SUBMITTED IN COMPLIANCE WITH NRS 233B.066

UPON ADOPTION OF REGULATION FOR THE COMMISSION ON MINERAL RESOURCES; DIVISION OF MINERALS IN CHAPTER 513 OF THE NEVADA ADMINISTRATIVE CODE

LCB File No. R050-25

April 13th, 2026

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 513.

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

   The need for the adopted regulation is to advance the date in which a mine operator must annually report annual status and production information to the Division of Minerals.

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

   Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulation were made available at the following locations:

   Nevada Division of Minerals
   400 W. King St. #106
   Carson City, NV 89709

   Nevada Division of Minerals
   375 E. Warm Springs Rd. #205
   Las Vegas, NV 89119

   Capitol Building

101 North Carson Street
Carson City, Nevada 89701

On the internet at: https://minerals.nv.gov, https://notice.nv.gov, and https://www.leg.state.nv.us/

A public workshop was held on August 26th, 2025, at the Nevada Legislative Building, 401 South Carson Street, Carson City, NV 89701 and the minutes of that meeting, attached hereto as Exhibit B. Thereafter, on or about January 9th, 2026, the Administrator of the Nevada Division of Minerals issued a Notice of Intent to Act Upon a Regulation. No changes were made to the proposed regulation after the August 26th public workshop as there were no comments from workshop participants regarding NAC 519A, nor were any comments received by mail, email, or through any other means.

A public hearing was held on February 19th, 2026, in conjunction with a quarterly Commission on Mineral Resources meeting. No comments were made or submitted regarding the proposed changes to NAC 513. The minutes of this meeting are attached hereto as Exhibit C.

A copy of this summary of the public response to the proposed regulation may be obtained from the Nevada Division of Minerals, 400 W. King St. #106, Carson City, NV 89703, 775-674-7040, ndom@minerals.nv.gov.

3. **The number of persons who:**

    a. **Attended each hearing:** Public Workshop, Aug. 26, 2025: 16 persons; Public Hearing, Feb 19., 2026: 18 persons

    b. **Testified at each hearing:** Public Workshop, Aug. 26, 2025: 0 persons; Public Hearing, Feb 19., 2026: 18 persons

    c. **Submitted to the agency written comments:** No written comments were submitted.

4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

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:**

   Comments were solicited from affected businesses via an electronic survey and in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2.

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 permanent regulation was adopted on February 19th, 2026, and did not include any changes from the proposed regulation. No changes were made to the proposed regulation because there were no comments made by the Commission on Mineral Resources nor the public throughout the process and the Division received no responses to its survey.

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

   a. **Both adverse and beneficial effects.**

      There are no reasonably foreseen adverse nor beneficial economic impacts resulting from the change in regulations.

   b. **Both immediate and long-term effects.**

      The effects of the change of regulation are the same in the immediate and long term.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**

   There are no additional costs to the agency for enforcement of the adopted 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.

There are no state or government agency regulations that the proposed regulation overlaps or duplicates.

10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

    The regulation is not more stringent than any known federal regulation.

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.**

    The regulation does not provide a new fee or increase an existing fee.

Respectfully submitted,



Robert Ghiglieri,
Administrator
Nevada Division of Minerals

NAC 519A Workshop Participants (August 26th, 2025)

Name	Telephone Number	Business Address	Business Telephone Number	Email Address	Organization Represented
Leo Giangiacomo					
Bill Ehne				ehnient@aol.com	Consulting Geologist
Wesley Adams		90 South 400 West, Suite 410, Salt Lake City, UT 84101		ADMIN@ZANSKAR.COM	Zanskar Geothermal, Inc.
Ann Garth		114 State Street, 6th Floor, Boston, MA 02109	617.624.0234	agarth@catf.us	Clean Air Task Force
Terra Rogers		114 State Street, 6th Floor, Boston, MA 02109	617.624.0234	trogers@catf.us	Clean Air Task Force
Vanessa Robertson				Vanessa@geothermal.org	Geothermal Rising
Brandon Law				brandon.law@fervoenergy.com	Fervo Energy
Caity Smith		2479 East Bayshore Road, Suite 210, Palo Alto, CA 94303	707.477.5567	csmith@xgsenergy.com	XGS Energy
Sheldon Bide					Fervo Energy
Erica Freese					Ormat
Josh Nordquist				jnordquist@ormat.com	Commission on Mineral Resources / Ormat

COMMISSION ON MINERAL RESOURCES

NAC 513 & NAC 522 Hearings and Commission Meeting

SIGN-IN SHEET

February 19, 2026, 10:00 AM

First and Last Name	Email Address	Phone #	Organization	Mark each mtg you will be attending: CMR Meeting	NAC 513	NAC 522
ROBERT CARRINGTON	ROBERT@DB-LS.COM	7023406049	NEVADA ASSOC OF LAND SURVEYORS			X
Carol Shelton	CShelton@minerals.nv.gov	702.769.2618	NDOM	+		
Josh Nordquist	jnordquist@ormt.com	775-702-8869	CMR	+		
Tobias Konzmann	tobias.konzmann@lhoist.com	702 506 7359	Lhoist	+		
Sage Maddux	sage.maddux@lhoist.com	702-830-2124	Lhoist	+		
Allison Anderson	aanderson@aga.gold	720-731-5580	AGA	+		
Joel Donalson	Jdonalson@aga.gold	775 385 2937	AGA	+		
RANDY GRIFFITH	RANDYRAYGRIFFITH@GMAIL.CA	702-739-4825	CMR	+		
Garrett Wake			NDOM			
Peter Engh			NDOM	+		
Sean Derby			NDOM	x		

COMMISSION ON MINERAL RESOURCES

NAC 513 & NAC 522 Hearings and Commission Meeting

SIGN-IN SHEET

February 19, 2026, 10:00 AM

				Mark each mtg you will be attending		
First and Last Name	Email Address	Phone #	Organization	CMR Meeting	NAC 513	NAC 522
Bob Potts			CMR			
Bob Felder			CMR			
Rob Ghigliotti			NDOM			
Nigel			CMR			
Art			CMR			
Stephanie			CMR			
Lorraine Belt Oslan			NDOM	X	X	X

STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
400 W. King Street, Suite 106
Carson City, Nevada 89703
(775) 684-7040 • Fax (775) 684-7052
http://minerals.nv.gov/

Las Vegas Office:
375 E. Warm Springs Rd. #205, Las Vegas, NV 89119
Phone: (702) 486-4343; Fax: (702) 486-4345

JOE LOMBARDO
Governor

ROBERT GHIGLIERI
Administrator

Tuesday, August 26, 2025 1:00 P.M.

MINUTES

Commission	Staff	Public
Josh Nordquist	Robert Ghiglieri	Leo Giangiacomo, Consultant (phone)
	Rebecca Tims	Wesley Adams, Zanskar Geothermal & Minerals, Inc (phone)
	Dustin Holcomb	Bill Ehne, Consulting Geologist
	Nicole Ting	Ann Garth, Clean Air Task Force
		Terra Rogers, Clean Air Task Force
		Vanessa Robertson, Geothermal Rising
		Brandon Law, Fervo Energy
		Caity Smith, XGS Energy
		Sheldon Bide, Fervo Energy
		Erica Freese, Ormat
		Nikki Bailey-Lundahl, NvMA

COMMENTS BY THE GENERAL PUBLIC
There were no comments.

I. Intent
The Division of Minerals held a public workshop to update regulations on NACs 513, 519A, 522, and 534A. Administrator Ghiglieri provided an overview of the workshop process and intent. He then presented on the proposed changes to each regulation and concluded by explaining the next steps in the regulatory change process.

II. NAC 513
There were no public comments on NAC 513.

III. NAC 519A
There were no public comments on NAC 519A.

IV. NAC 522
A **Leo Giangiacomo** of the public made a comment regarding the release of natural gas. He stated if he releases one molecule of natural gas in the process of drilling a completion that he is in violation of regulations and feels that this is impractical. He stated there should be a minimal volume in which this kicks in at rather than any volume. **Wesley Adams**

regulations being adequate for production scale things but maybe there should be a modification or some exceptions for tests wells or exploratory wells because you really don't know what you're going to do until you've got that first well in the system.

COMMENTS BY THE GENERAL PUBLIC
There were no comments.

ADJOURNMENT
The meeting adjourned at 2:38 PM.

STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
400 W. King Street, Suite 106
Carson City, Nevada 89703
(775) 684-7040 • Fax (775) 684-7052
http://minerals.nv.gov/

Las Vegas Office:
375 E. Warm Springs Rd. #205, Las Vegas, NV 89119
Phone: (702) 486-4343; Fax: (702) 486-4345

JOE LOMBARDO
Governor

ROBERT GHIGLIERI
Administrator

Thursday, February 19, 2026 10:00 A.M.

MINUTES

Commission	Staff	Public
Josh Nordquist	Robert Ghiglieri	Robert Carrington
Bob Potts	Garrett Wake	Tobias Konzmann
Arthur Henderson	Lorraine Belt-Dolan	Sage Maddox
Bob Felder	Carol Shelton	Allison Anderson
Nigel Bain	Peter Engh	Joel Donalson
Randy Griffin	Sean Derby	
Stephanie Hallinan	Dustin Holcomb	

CALL TO ORDER
10:00 AM by Chairman Josh Nordquist

Roll Call
All commissioners were present.

COMMENTS BY THE GENERAL PUBLIC
- No Public Comment

I. Agenda
A. Approval of the Agenda
Motion to approve the agenda made by: Bob Potts
Seconded by: Randy Griffin
Unanimously approved

II. Minutes
A. Approval of August 26, 2025, public workshop minutes (NACs 513, 519A, 522, and 534A)
- Administrator Ghiglieri noted that we need to add Nikki Baily Lindel to the attendance of the workshop minutes.

Motion to approve the minutes made by: Bob Felder with the correction
Seconded by: Stephanie Hallinan
Unanimously approved

DRAFT

B. Approval of the meeting minutes from the November 13, 2025, meeting
Motion to approve the minutes made by: Bob Felder
Seconded by: Stephanie Hallinan
Unanimously Approved

III. Intent to Act Upon Regulations

A. NAC 513
- Administrator Ghiglieri provided an overview of the regulation changes.
- **Commissioner Potts** asked if there were any substantive changes to the regulation. **Administrator Ghiglieri** said that the change is to advance the deadline for submission next calendar year. **Chairman Nordquist** asked Administrator Ghiglieri if this was workshopped and **Administrator Ghiglieri** affirmed and noted that the regulations would still need to be codified by the legislation in the Spring or later. **Chairman Nordquist** asked if these regulations are temporary. **Administrator Ghiglieri** said they would be implemented in 2027.
- Public Comment: None.

Motion to approve: Bob Felder
Seconded by: Randy Griffin
Unanimously approved

B. NAC 522
- Administrator Ghiglieri provided an overview of the regulation changes.
- Public Comment: **Robert Carrington** gave Public Comment on behalf of the Nevada Association of Land Surveyors about the NAC 522 proposed amendments. You can find a copy of the public comment here: Public Comment
- **Administrator Ghiglieri** proposed that the Division meet with Mr. Carrington regarding his public comment prior to approving the regulation changes. **Commissioner Potts** agreed with this. **Commissioner Bain** commented that a certified land surveyor is required with location issues; however, the data is usually collected by someone else and signed off by a certified surveyor in another state or location and that surveying technology has changed significantly.
- **Chairman Nordquist** stated that the Division will work with Mr. Carrington on his response to the proposed regulation changes and that the Commission will hold off on making changes to see if there are adjustments needed.

No action taken

IV. Agency Business

A. Lhoist Company Update
- Tobias Konzmann and Sage Maddox gave an update on Lhoist which can be found on the Division of Minerals website, commission meeting materials, E-packet: IV Agency Business – Exhibit A.
- **Commissioner Griffin** asked if the rollback of federal regulations on the use of coal will impact Lhoist's product sales. **Tobias Konzmann** said that it's too early to tell. **Commissioner Potts** asked how the development of the Apex

- **Administrator Ghiglieri** gave an agency administrator report that we have a new website and stated that if anyone sees things that needs to be changed or updated, please let the agency know.
- **Peter Engh** gave an update on the Good Samaritan Act and communication with the EPA regarding the Division's efforts to fund closure of an abandoned mine through the act's funding. Administrator Ghiglieri believes the law may be interpreted in a way which may provide funding for this closure project.
- **Administrator Ghiglieri** stated he was appointed to the Governor's Fuel Resiliency Committee with a focus on the impact on the minerals industry. He is also on the executive director's search committee for Interstate Mining Compact Commission.
- **Administrator Ghiglieri** and **Dustin Holcomb** recently attended the Groundwater Protection Council's Underground Injection Control training and Division staff presented. He also presented at a workshop hosted by a company trying to repurpose mine waste.
- Division staff attended the American Mineral Exploration Roundup conference and will be attending the Society of Mining and Metallurgy and Engineering conference, the Prospectors and Developers Association of Canada conference, and will be meeting with lawmakers in Washington, DC.
- The Division is hosting the National Association of Abandoned Mine Lands Program (NAAMLP) winter business meeting at Lake Tahoe and has close to 20 different states and tribes attending.

V. Commission Business

A. Correspondence from the Commission
There was no correspondence for the commission.

B. Review of Staff Monthly Reports
There were no comments.

C. Future Meeting Agenda Items, Location, and Date
- Scheduled for May 14th, 2026 in the Reno/Carson area.

COMMENTS BY THE GENERAL PUBLIC

- No Public Comment

ADJOURNMENT

- The meeting adjourned at 2:55 PM.

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Division of Minerals, 400 W. King Street, Suite 106, Carson City, NV 89703 or contact Rebecca Tims at (775) 684-7043 or by email at rtims@minerals.nv.gov.

STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
400 W. King Street, Suite 106
Carson City, Nevada 89703
(775) 684-7040 • Fax (775) 684-7052
http://minerals.nv.gov/

JOE LOMBARDO
Governor

Las Vegas Office:
375 E. Warm Springs Rd. #205, Las Vegas, NV 89119
Phone: (702) 486-4343; Fax: (702) 486-4345

ROBERT GHIGLIERI
Administrator

NEVADA DIVISION OF MINERALS SMALL BUSINESS IMPACT STATEMENT

August 5th, 2025

RE: Proposed Permanent Changes to Nevada Administrative Code Chapter 513

I, Robert Ghiglieri, Administrator, Nevada Division of Minerals, do hereby certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate:

Pursuant to NRS 233B.0608, the proposed administrative regulation changes are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

Background and purpose:

The Division of Minerals (Division) records annually the production of each registered mining operation and operation for the production of oil, gas and geothermal energy in accordance with NRS Chapter 513.073 and NAC Chapter 513.070 and 513.120. These proposed changes advance the date required to submit annual production information to the Division to the same date the Nevada Department of Taxation requires all production and sale of mineral data for the annual Taxes on Patented Mines and Proceeds of Minerals (NRS362). The advanced date of reporting to the Division will result in an earlier publication of mineral production statistics available to the public sooner. As part of the Division's due diligence, a small business impact questionnaire was developed to seek input from the State of Nevada's mining, oil, and gas operators on the proposed changes.

Statement of methods used in determining the impact of the proposed regulation on a small business:

The Division developed a digital questionnaire which presented the proposed modifications to NAC 513 and asked whether each change would impact a small business in accordance with NRS 233B.0608. The survey was transmitted by email to 212 unique email addresses associated with 196 businesses or individuals; the list of addresses is maintained by the Division for its annual production reporting mailout. These companies would be the most affected by any changes to the submittal deadline. The Division received zero responses to this questionnaire.

Evaluation of Impact:

Commission on Mineral Resources

Nigel Bain; *Large-Scale Mining*
Robert Felder; *Exploration and Development*
Randy Griffin; *Small-Scale Mining and Prospecting*
Josh Nordquist, Chairman; *Geothermal Resources*
Stephanie Hallinan; Large-Scale Mining
Arthur Henderson; *Oil and Gas*
Robert Potts, *Public at Large*

Division staff reviewed the proposed modifications, lack of survey responses and concluded they will not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business.

Respectfully,



Robert Ghiglieri
Administrator
Nevada Division of Minerals

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R067-25

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

AUTHORITY: §§ 1 and 2, NRS 391.019.

A REGULATION relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations regarding the qualifications and process for licensing teachers and other educational personnel. (NRS 391.019) Existing regulations specify the number of years for which renewable licenses are valid based upon certain credentials of the applicant. Specifically, existing regulations make a license valid for: (1) 5 years, if the applicant has a bachelor's degree or less; (2) 6 years, if the applicant has a master's degree and 3 years of verified teaching experience; (3) 8 years, if the applicant has a specialist degree and 3 years of verified teaching experience; (4) 10 years, if the applicant has a doctoral degree and 3 years of verified teaching experience; and (5) generally, the period of the certificate, if an applicant has a National Board Certification issued by the National Board for Professional Teaching Standards. (NAC 391.060) **Section 1** of this regulation removes the provisions governing the period of validity for the license of an applicant who has a specialist or doctoral degree or a National Board Certification, and instead provides that if an applicant has a master's or more advanced degree and at least 5 years of full-time employment as a licensed teacher or other educational personnel, the license is valid for 6 years.

Existing regulations authorize certain persons who are retired and hold a valid license issued by the Superintendent of Public Instruction to apply for a ten-year renewal of their license. Specifically, existing regulations require the applicant to provide proof of at least 15 years of verified employment experience as a teacher or administrator at a public or private school in this State. (NAC 391.073) **Section 2** of this regulation removes the provision that limits eligibility to only those persons with employment experience as teachers or administrators, and instead provides that an applicant must show proof of at least 15 years of full-time employment as a licensed teacher or other educational personnel at a public or private school in this State. Additionally, **section 2** revises the renewal term of the license to 6 years.

Section 1. NAC 391.060 is hereby amended to read as follows:

391.060 1. ~~[Upon]~~ ***Except as otherwise provided in NAC 391.073, upon*** application, the Department shall issue a ***renewable*** license ***that is valid*** for ***:*** ~~[the specified number of years to a person with:]~~

(a) ~~[A]~~ ***Five years, if the applicant holds a*** bachelor's degree or less ~~[, for 5 years.]~~ ***; or***

(b) ~~[A]~~ ***Six years, if the applicant:***

(1) Holds a master's ***or more advanced*** degree ***;*** and ~~[3]~~

(2) Provides proof that the applicant has been employed full-time for at least 5 years ~~[of verified teaching experience, for 6 years.~~

~~(c) A specialist's degree and 3 years of verified teaching experience, for 8 years.~~

~~(d) A doctoral degree and 3 years of verified teaching experience, for 10 years.~~

~~(e) A National Board Certification issued by the National Board for Professional Teaching Standards, for the period of the certificate, unless the person is issued a license for a longer period pursuant to paragraph (a), (b), (c) or (d).~~

~~➥ A license specified in this subsection is renewable.]~~ ***as a licensed teacher or other educational personnel.***

2. Except as otherwise provided in this section ~~[,]~~ ***and*** NAC 391.056 and 391.057, a license expires on the holder's date of birth in the year of expiration.

3. A provisional license that is renewable becomes invalid on the date of expiration of the provision. If the holder of such a license provides evidence to the Department of his or her completion of the course work required to satisfy the provision, the Department will remove the provision and the license remains valid until the date of expiration of the license.

4. An endorsement becomes invalid on the date that the license to which it is attached expires.

Sec. 2. NAC 391.073 is hereby amended to read as follows:

391.073 1. A person who is retired and who holds a valid license issued by the Superintendent of Public Instruction may submit an application on a form prescribed by the Department for renewal of the license. The application must include:

(a) Proof that the applicant ~~[has]~~ ***was employed full-time for*** at least 15 years ~~[of verified employment experience]~~ as a ~~[teacher or administrator]~~ ***licensed teacher or other educational personnel*** at a public or private school in this State; and

(b) Except as otherwise provided in subsection 2, a renewal fee of:

(1) ~~[For a renewal due on or after September 16, 2024,but before July 1, 2025, $170.~~

~~(2)]~~ For a renewal due on or after July 1, 2025, but before July 1, 2026, $175.

~~[(3)]~~ ***(2)*** For a renewal due on or after July 1, 2026, but before July 1, 2027, $180.

~~[(4)]~~ ***(3)*** For a renewal due on or after July 1, 2027, but before July 1, 2028, $185.

~~[(5)]~~ ***(4)*** For a renewal due on or after July 1, 2028, $190.

2. If the applicant has been granted an extension of time pursuant to NAC 391.077, the applicant must, instead of submitting a fee in the amount required by paragraph (b) of subsection 1, submit a fee in an amount equal to the fee prescribed by NAC 391.045 for the initial issuance of a license. Any fee submitted pursuant to this subsection or paragraph (b) of subsection 1 includes the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

3. Except as otherwise provided in subsection 6, the requirements for renewal set forth in NAC 391.065 do not apply to the renewal of a license pursuant to this section.

4. An application for renewal pursuant to this section may not be submitted earlier than 9 months before the expiration date of the license.

5. ~~[Notwithstanding the provisions of NAC 391.060 to the contrary, the]~~ ***The*** renewal of a license pursuant to this section is valid for ~~[10]~~ ***6*** years. The Superintendent of Public Instruction may delay the expiration of a license for not more than 120 days pending receipt of the reports of the criminal history of the licensee by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation. A person may renew the license pursuant to this section if he or she satisfies the requirements of subsection 1.

6. If a person who holds a license that is renewed pursuant to this section accepts employment with a public employer and is retired under the Public Employees' Retirement System, the person shall comply with the applicable provisions of chapter 286 of NRS and any other statutes and regulations applicable to retired public employees.

7. An applicant for renewal pursuant to this section who seeks to renew an endorsement in a field of specialization shall comply with the applicable requirements for the renewal of the endorsement.

8. As used in this section, "public employer" has the meaning ascribed to it in NRS 286.070.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R067-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R067-25 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on February 18, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

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 OF 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

January 16, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R067-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:02 A.M.** on **Wednesday, February 18, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding repeal of regulations pertaining to Chapter 391.060 and 391.073 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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**

governmental agencies: There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, February 13, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, January 15, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:01 A.M. Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal. The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or viewed in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, January 9, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: December 17, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal.

I, Victor Wakefield, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R068-25

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

AUTHORITY: § 1, NRS 391.019.

A REGULATION relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations: (1) prescribing the qualifications for licensing teachers and other educational personnel; and (2) setting forth the requirements a teacher must satisfy to qualify for an endorsement in each field of specialization. (NRS 391.019) Existing regulations provide that a person may voluntarily surrender the license or endorsement of the person by submitting a notarized statement of surrender to the Department of Education. (NAC 391.063) This regulation removes the requirement for a person to surrender an endorsement by submitting a notarized statement, and instead provides that the person may surrender an endorsement by submitting a request to the Department.

Section 1. NAC 391.063 is hereby amended to read as follows:

391.063 1. A person may voluntarily surrender **[**~~his or her~~**]** ***:***

(a) The license **[**~~or endorsement~~**]** ***of the person*** by submitting a notarized statement of surrender to the Department **[**.**]** ***; or***

(b) The endorsement of the person by submitting a request to the Department.

2. A person who has voluntarily surrendered his or her license or endorsement and wishes to reinstate it must reapply for the license or endorsement by following the procedures and meeting all requirements as if the person were applying for a new license or endorsement.

3. A fee will be charged for the issuance of the new license pursuant to NRS 391.040.

4. The voluntary surrender of a license or the failure to renew a license does not preclude the Board from hearing a complaint for disciplinary action made against the licensee.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R068-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**1**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R068-25 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on February 18, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

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 OF 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

January 16, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R068-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:03 A.M.** on **Wednesday, February 18, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding repeal of regulations pertaining to Chapter 391.063 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government

agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, February 13, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, November 19, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - October 22, 2025

6. **Commission Meeting Schedule for 2026.** ***(Information/Discussion/For possible action).*** The Commission will consider setting the 2026 meeting schedule. The Commission may approve or not approve the 2026 meeting schedule.
    - Amy Rozar, President

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036. This regulation will comply with Assembly Bill 286 by allowing a candidate for licensure to take a course of study before or after not passing the Praxis Core basic exams in lieu of these exams. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX, 391.170 – License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program, and NAC 391.171 – Conditional endorsement as a professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to comply with Senate Bill 81 creating a pathway for already licensed educators to obtain a school or program administrator endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.215 – Endorsement to teach art, 391.270 – Endorsement to teach music, 391.280 – Endorsement to teach physical education, and 391.281 – Endorsement to teach physical education and health, and 391.096 – Qualifications for elementary and middle school physical education license; authorized employment.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.270, 391.280, 391.281, and repeal 391.096. This regulation will comply with Senate Bill 400 requiring that educators who teach music or art have an endorsement in music or art to be employed in certain districts and schools. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.063. This regulation will remove the requirement of a notarized statement of surrender of an endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an audiologist in a public school holds an audiologist endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.277 – Endorsement to provide services as an Occupational Therapist, 391.279 – Endorsement to provide services as a Physical Therapist, 391.XXX Endorsements to provide services as an Occupational or Physical Therapist Assistant.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an occupational or physical therapist or a person who provides services as an occupational or physical therapist assistant in a public school holds a corresponding endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of Licenses and Endorsements.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update the length of a license keeping the 3-year provisional, 5-year standard, 6-year professional, and eliminating the specialist and doctorate extended licenses. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **Presentation from Great Basin College (*Information/Discussion)*.** The Commission will hear a presentation from Great Basin College regarding how competency-based learning is incorporated into their educator preparation programs.
    - Denise Padilla, Elementary Education Program Supervisor
    - Brian Zeiszler, Secondary Education Program Supervisor

15. **Proposed Amendments to NAC Chapter 391.XXX – Apprentice License.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.XXX. This regulation will ensure that the holder of an Apprentice license cannot convert the license to an initial license until at least one year of teaching in a public school.
    - Jeff Briske, Director, EDLiFE

16. **Proposed Amendments to NAC Chapter 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction: fee, term of validity; delay of expiration date by Superintendent; endorsement; renewal.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.073. This regulation will allow all educators licensed in chapter 391 to apply for a retiree license. This regulation updates the length of this license with conforming language to ensure all licenses are aligned to 3, 5, or 6 years.
    - Jeff Briske, Director, EDLiFE

17. **Proposed Amendments to NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement.**
(Information/Discussion). The Commission will consider a regulation to update NAC 391.057. This regulation will create another pathway allowing educators who hold an Alternative Route License to change endorsement areas. This also delineates that two years of full-time employment is required to convert to an initial license.
    - Jeff Briske, Director, EDLiFE

18. **Future Agenda Items**
    - Workshops and Public Hearings

19. **Public Comment #2**
Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction



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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, November 19, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:03 A.M. Workshop to Solicit Comments on Proposed Amendments NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement. The Commission will consider a regulation to update NAC 391.063. This regulation will remove the requirement of a notarized statement of surrender of an endorsement. The Commission may approve or not approve moving this item to a Public Hearing.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, November 14, 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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: November 4, 2025

RE: Workshop to Solicit Comments on Proposed Amendments NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement.

I, Victor Wakefield, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Victor Wakefield
Superintendent of Public Instruction

R078-25

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R078-25

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

AUTHORITY: §§ 1-7 and 13, NRS 385.080; §§ 8-12, NRS 385.080, 388.090, as amended by section 15.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395, NRS 388A.110, 388A.366 and 388C.060; § 14, NRS 385.080 and section 34 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3430;
§ 15, NRS 385.080 and 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431.

A REGULATION relating to education; making certain requirements relating to school scheduling applicable to charter schools and university schools for profoundly gifted pupils; revising the required contents of a school calendar; revising the procedure for the approval of a school calendar by the Superintendent of Public Instruction; removing a reporting requirement relating to alternative schedules; revising certain requirements relating to the minimum daily period of a school day in session; revising provisions relating to scheduling short school days in session; revising certain requirements to allow additional days to be counted as a school day in session as the result of emergency closures; interpreting certain terms for purposes relating to the administration of examinations or assessments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires, in general, that the board of trustees of a school district or a charter school schedule and provide a minimum of 180 days of free school in the districts under its charge; (2) authorizes the Superintendent of Public Instruction to grant certain variations from that requirement; and (3) authorizes the State Board of Education to adopt regulations subjecting university schools for profoundly gifted pupils to provisions of law governing schools generally. (NRS 388.090, 388A.366, 388C.060) Existing regulations require each school district, before May 1 of each year, to submit a copy of its school calendar for the approaching school year to the Department of Education. (NAC 387.120) **Sections 2-5** of this regulation define certain terms relating to school calendars, and **section 6** of this regulation establishes the applicability of those definitions. **Section 7** of this regulation revises the types of days which must be included in a

school calendar. **Sections 8-12** of this regulation subject charter schools and university schools for profoundly gifted pupils to regulations relating to school calendars and schedules. **Section 8** also requires the submission of a school calendar to include certain data requested by the Department.

Existing regulations require a school district to designate at least 3 days as contingent days to be used as school days under specified conditions, including where a certain percentage of the schools in the district are rendered inaccessible or unusable due to certain events. (NAC 387.120) **Section 8** revises, based on the population of the county in which the school district is located, the percentage of schools in a school district that must be rendered inaccessible or unusable in order to use a contingent day as a school day. **Section 8** also limits the number of professional development days included as school days in session and makes other revisions governing the scheduling of professional development days.

Under existing regulations, a school calendar for certain alternate school programs must contain 180 school days in session unless the Superintendent of Public Instruction approves a school calendar for certain alternative programs that consists of a different number of school days in session. (NAC 387.120) **Section 8** revises the list of alternative programs subject to that requirement and the conditions under which the Superintendent of Public Instruction may approve an exemption from that requirement. **Section 8** also requires a school district, charter school or university school for profoundly gifted pupils to submit to the Department any changes made to a previously approved school calendar for approval of the changes.

Existing regulations set forth requirements to offer a program of instruction based on an alternative schedule. (NAC 387.125) **Section 9** removes a requirement that a board of trustees of a school district submit a written report to the Superintendent of Public Instruction following the end of a school year in which the school district operated under an alternative schedule.

Existing regulations: (1) establish the minimum daily periods of time required to constitute a school day in session; and (2) require certain alternative programs of education to comply with those requirements, except in certain circumstances. (NAC 387.131) **Section 10** revises the alternative programs to which those provisions apply and the circumstances under which such alternative programs are exempt from requirements governing minimum daily periods. **Section 10** also limits the number of days on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Existing regulations authorize the Superintendent of Public Instruction to authorize the conduct of short school days in session on a continuing basis under certain circumstances. Existing regulations also authorize the scheduling of up to 5 short school days in session with the approval of the Superintendent of Public Instruction. (NAC 387.140) **Section 11** eliminates authorization for the Superintendent of Public Instruction to approve more than 5 short school days in session, except for schools operating under an alternative schedule and pupils who are receiving instruction through certain alternative programs.

Existing regulations authorize the Superintendent of Public Instruction to allow any additional day to be counted as a school day in session if all schools in a school district are closed due to inclement weather or certain other emergencies, the duration of the closure exceeds the number of required contingent days and the school district has certain measures in place to ensure the continued provision of services during the emergency. (NAC 387.151) **Section 12**

additionally authorizes the Superintendent of Public Instruction to allow an additional day to be counted as a school day in session: (1) if multiple, but not all, schools or campuses in the district are closed due to an emergency; or (2) for a charter school or university school for profoundly gifted pupils, under the same conditions as apply to a school district.

Existing law requires each school within a school district to annually prepare and submit to the board of trustees of the school district a report detailing the aggregate amount of class time used for preparing for and conducting examinations and assessments during the immediately preceding school year. (Section 34 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3430) Existing law requires the Department to adopt regulations prohibiting a school or school district from using more than 2 percent of the total number of annual minutes of attendance required for a pupil for preparing for or conducting an examination or assessment, with certain exceptions. (NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431) **Sections 14 and 15** of this regulation interpret the terms "class time" and "total number of annual minutes of attendance required for a pupil," respectively, for those purposes.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. ***"High-impact tutoring" means targeted, small-group or one-on-one instructional support that is:***

1. Aligned to grade-level standards;

2. Delivered by a consistent tutor several times per week; and

3. Designed to accelerate learning by closely monitoring progress and adjusting instruction based on the individual needs of pupils.

Sec. 3. ***"Instructional minutes" means a given length of time during which a pupil receives qualifying educational instruction. The following activities do not qualify as instructional minutes:***

1. Lunch or other breaks for nutrition.

2. Open periods or unassigned periods.

3. Extracurricular activities or athletic activities.

4. Study halls that do not provide at least tier-one instruction or high-impact tutoring.

Sec. 4. ***"Minimum daily period" means a minimum required number of instructional minutes for a school day in session.***

Sec. 5. ***"Tier-one instruction" means the core, universal instruction that all pupils receive as the foundational level of instruction before any supplemental supports are added to instruction.***

Sec. 6. NAC 387.010 is hereby amended to read as follows:

387.010 As used in NAC 387.010 to 387.355, inclusive, and sections 2 to 7, inclusive, of LCB File No. 136-22 ***and sections 2 to 5, inclusive, of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 387.012 to 387.117, inclusive, and sections 2 to 7, inclusive, of LCB File No. 136-22 ***and sections 2 to 5, inclusive, of this regulation,*** have the meanings ascribed to them in those sections.

Sec. 7. NAC 387.080 is hereby amended to read as follows:

387.080 "School calendar" means a calendar showing all:

1. Days which are planned for school to be in session, including ***any short school days in session or*** contingent days;

2. Days ~~[for organized teachers' conferences]~~ ***scheduled*** for professional development; ~~[and]~~

3. Holidays on which school is required to be closed ~~[.]~~ ***;***

4. Days scheduled for parent-teacher conferences; and

5. Days scheduled for the assessment of pupils in kindergarten which occur pursuant to subsection 5 of NAC 387.131.

Sec. 8. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district ***, charter school or university school for profoundly gifted pupils*** shall submit a copy of its school calendar for the approaching school year to the Department ~~[.]~~ ***in the form prescribed by the Department.*** If one calendar does not apply to all its schools or grades, the district ***or school*** shall submit as many calendars as are necessary for application to all its schools and grades. ~~[If a charter school submits a school calendar pursuant to this subsection, the charter school shall, upon the request of the sponsor of the charter school or a school district in which a pupil enrolled in the charter school resides, provide a copy of the school calendar to the requester.]~~ ***The submission of a school calendar pursuant to this subsection must include all data requested by the Department relating to the validation of the total number of school days in session, instructional minutes and start and end times included in the school calendar.***

2. Except as otherwise provided in subsection 6 and except for a school calendar that accompanies an alternative schedule approved pursuant to NAC 387.125, a school calendar must contain at least 180 school days in session. This period must be divided into at least two instructional periods. Each instructional period must consist of one or more school quarters. The first instructional period of a school year must commence on July 1 and the last instructional period of the school year must end on June 30.

3. ~~[For the purposes of subsection 2 of NRS 392.040, the]~~ ***The*** first day of a school year is the first instructional day scheduled for that school year.

4. In addition to the required number of school days in session, at least 3 days must be specifically designated by the school district ***, charter school or university school for profoundly gifted pupils*** as contingent days to be used as school days in session if:

(a) ~~[At]~~ ***In a school district in a county whose population is less than 100,000, at*** least ~~[75]~~ ***33*** percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; ~~[or]~~

(b) ***In a school district in a county whose population is 100,000 or more, at least 50 percent of the schools in the district are rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions;***

(c) A charter school or university school for profoundly gifted pupils is rendered inaccessible or unusable by natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions; or

(d) The Governor declares a legal holiday not anticipated in the original school calendar.

➥ If a substantial ~~[majority]~~ ***portion, as established in this subsection,*** of the schools within a school district are closed because of any of these conditions ~~[.]~~ ***or if a charter school or university school for profoundly gifted pupils is closed because of any of these conditions,*** all of the contingent days must be used before the school district ***or school, as applicable,*** applies for an emergency closing to be counted as a school day in session.

5. ~~[Any day for an organized teachers' conference for professional development convened by the]~~ ***The*** board of trustees of a school district or ***the governing body of*** a ***charter*** school ***or***

university school for profoundly gifted pupils may ~~[be included]~~ ***convene not more than 5 days for professional development, or an equivalent number of minutes if the professional development is conducted for only a portion of the day, and include such professional development*** in the number of school days in session required in subsection 2 with the prior approval of the Superintendent of Public Instruction. ***A professional development day as a school day in session may not be scheduled within 20 school days before the last day of instruction, unless approved by the Superintendent of Public Instruction upon determining that such scheduling is justified by exigent circumstances.*** A day for ~~[an organized teachers' conference]~~ ***professional development*** may also be declared by the Superintendent of Public Instruction. ~~[Not more than 5 days for teachers' conferences, or an equivalent number of minutes if teachers' conferences are held only for a portion of a day, may be convened by a school or school district in any school year.]~~

6. A school calendar for an adult high school program, an alternative program, a program of distance education ***, a program of independent study*** or a program of instruction in a ***juvenile*** detention ~~[home]~~ ***facility*** must contain at least 180 school days in session unless the school district or governing body of the charter school ~~[,]~~ ***or university school for profoundly gifted pupils,*** as applicable, obtains the written approval of the Superintendent of Public Instruction for a program ~~[that]~~ ***:***

(a) Of instruction based on an alternative schedule submitted pursuant to NAC 387.125;

(b) That demonstrates progress or completion by pupils in a curriculum which is equivalent to the regular school curriculum ~~[. The approval of an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537 or a program of distance~~

~~education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to this subsection if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. For purposes of this subsection, demonstrated competency in curriculum that meets the state standards may be considered~~] ***; or***

(c) That demonstrates competency in the standards adopted by the State Board pursuant to NRS 385.114, as amended by section 22 of Senate Bill No. 343, chapter 88, Statutes of Nevada 2025, at page 471, equivalent to the regular school curriculum.

7. The Department shall integrate the form for the submission of a school calendar pursuant to this section as an addendum to the application for approval of an adult high school program, an alternative program, a program of distance education or a program of independent study.

8. If the board of trustees of a school district or the governing body of a charter school or university school for profoundly gifted pupils wishes to make changes to its school calendar after the school calendar has been approved by the Superintendent of Public Instruction pursuant to this section, the board of trustees or governing body must submit notice of the change to the Department not later than 10 business days after the change has taken effect. Applicable changes include, without limitation, emergency closures, delays, half days, activation of contingent days, days for professional development or other adjustments.

9. Upon receiving notice pursuant to subsection 8 of a change to a school calendar, the Superintendent of Public Instruction may:

(a) Approve the changes; or

(b) Determine that the changes do not comply with the provisions of this section or any other applicable law or regulations and require remediation.

Sec. 9. NAC 387.125 is hereby amended to read as follows:

387.125 1. On or before May 1, the board of trustees of a school district that wishes to offer a program of instruction based on an alternative schedule pursuant to subsection 2 of NRS 388.090 ***or the governing body of a charter school or university school for profoundly gifted pupils that wishes to offer a program of instruction based on an alternative schedule*** shall submit to the Superintendent of Public Instruction an application and a copy of its proposed school calendar for the next school year.

2. A school district ***, charter school or university school for profoundly gifted pupils*** may not offer a program of instruction based on an alternative schedule ~~[pursuant to NRS 388.090]~~ without the approval of the Superintendent of Public Instruction.

~~[3. On or before December 31 following the end of a school year in which the school district operated under an alternative schedule approved pursuant to this section, the board of trustees of the school district shall submit to the Superintendent of Public Instruction a written report in a form prescribed by the Department. Such a report must include:~~

~~(a) A description of the alternative schedule; and~~

~~(b) An evaluation of the effect of the alternative schedule on the pupils, parents and legal guardians and the community.]~~

Sec. 10. NAC 387.131 is hereby amended to read as follows:

387.131 1. Except as otherwise provided in this section and except for an alternative schedule approved pursuant to NAC 387.125, a school day in session must consist of the

following minimum daily periods for each grade ***:*** ~~[, including recess and time between activities, but not including the time allowed for lunch:]~~

Grade	***Daily*** Period
Kindergarten	240 minutes
1 and 2	240 minutes
3 through 6	300 minutes
7 through 12	330 minutes

2. The minimum daily period for a program of special education is identical to the period for a regular grade unless an exception is permitted by a pupil's individualized education program.

3. The minimum daily period for an adult high school program, an alternative program, a program of distance education, a program of independent study or a program of instruction in a ***juvenile*** detention ~~[home]~~ ***facility*** is identical to the ***minimum daily*** period ~~[for a regular grade]~~ ***set forth in subsection 1,*** unless the school district ~~[:]~~ ***, charter school or university school for profoundly gifted pupils:***

(a) Exercises its option pursuant to subsection ~~[4]~~ ***2*** of NAC 387.140; ~~[or]~~

(b) ***Obtains the approval of the Superintendent of Public Instruction to offer a program of instruction based on an alternative schedule pursuant to NAC 387.125; or***

(c) Obtains the written approval of the Superintendent of Public Instruction for a program that demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum ~~[. The approval of an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537 or a program of distance education pursuant to NAC 388.830 shall be deemed written approval by the Superintendent pursuant to this paragraph if the approved program demonstrates progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. For purposes of this paragraph, competency in curriculum that meets the state standards may be considered equivalent]~~ ***or demonstrates competency in the standards adopted by the State Board pursuant to NRS 385.114, as amended by section 22 of Senate Bill No. 343, chapter 88, Statutes of Nevada 2025, at page 471, equivalent*** to the regular school curriculum.

4. A day on which school is dismissed for pupils to attend, or to be transported to, extracurricular activities may not be counted as a school day in session unless every pupil for whom school is dismissed is directly participating in the activity in a manner other than as a spectator.

5. Upon approval of the Superintendent of Public Instruction, ~~[any day]~~ ***not more than 2 days*** on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 11. NAC 387.140 is hereby amended to read as follows:

387.140 1. The Superintendent of Public Instruction may authorize a school district ***, charter school or university school for profoundly gifted pupils that is not operating on an alternative schedule pursuant to NAC 387.125*** to conduct ***not more than 5*** short school days in

session ~~[on a continuing basis]~~ for ~~[up to 1]~~ ***each*** school year **.** ~~[when facilities or conditions so require.]~~ To obtain the permission of the Superintendent of Public Instruction, a school district **,** ***charter school or university school for profoundly gifted pupils*** must submit an application in advance **.** ~~[, describing the circumstances which necessitate short school days in session as well as its plans to alleviate those circumstances. The application must include an estimation of the time needed to restore regular school days in session.~~

~~2. The board of trustees of a school district may, for each school year:~~

~~(a) Schedule up to 5 short school days in session per school; or~~

~~(b) Delegate, in writing, to the superintendent of schools of the school district the authority to schedule the 5 short school days in session permitted pursuant to paragraph (a).~~

~~➥ Upon written request from the board of trustees of a school district, the Superintendent of Public Instruction may authorize the scheduling of more than 5 short school days in session when special circumstances so require.~~

~~3. The board of trustees of a school district may submit to the Department a district-wide policy for the approval of short school days in session. The policy must:~~

~~(a) Include a process for determining approval of a short school day in session that is requested by a school within the school district;~~

~~(b) Include a process for recording a short school day in session; and~~

~~(c) Be applied consistently throughout the school district.~~

~~➥ Upon review, the Department may make revisions to the policy. If a policy has been approved by the Department for a school district, the school district may approve a short school day in session for a school in accordance with the policy.~~

~~4.]~~ ***Except as otherwise authorized by subsection 2, if a school district, charter school or university school for profoundly gifted pupils wishes to schedule more than 5 short school days in session, the board of trustees of the school district or the governing body of the charter school or university school for profoundly gifted pupils, as applicable, must submit an application to offer a program of instruction based on an alternative schedule pursuant to NAC 387.125.***

2. Upon the written approval of the Superintendent of Public Instruction, a school district ***, charter school or university school for profoundly gifted pupils*** may schedule short school days in session on a continuing basis for pupils who are receiving instruction in an alternative program or receiving instruction in a ***juvenile*** detention ~~[home. If a plan for an alternative program is approved pursuant to NRS 388.537 and the plan contains a schedule which includes short school days in session, the approved plan shall be deemed written approval by the Superintendent for purposes of this subsection.]~~ ***facility.***

Sec. 12. NAC 387.151 is hereby amended to read as follows:

387.151 1. If there is an emergency which necessitates the closing of a particular school for a day because of natural disaster, uncontrollable circumstances, an accident or inclement weather, including, without limitation, hazardous air conditions, the day may be counted as a school day in session for that school if the Superintendent of Public Instruction finds that it is justified by the emergency. All requests for such approval must be submitted in writing to the Superintendent of Public Instruction.

2. If the closing of ~~[all]~~ ***multiple*** schools ***or campuses*** in a school district ***or multiple campuses of a charter school or university school for profoundly gifted pupils*** is necessary

under the conditions specified in subsection 1 and the duration of the closing exceeds the number of required contingent days, the Superintendent of Public Instruction may permit any additional day to be counted as a school day in session if the school district ~~[.]~~ ***, charter school or university school for profoundly gifted pupils:***

(a) Has in place a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, which has been approved by the Department and which includes the schools that are to be closed; and

(b) Certifies to the Superintendent of Public Instruction, in a form prescribed by the Department, that affected pupils will be provided with all necessary services, including, without limitation, ***education services,*** nutrition services and any services required to comply with a pupil's individualized education program or plan developed pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

Sec. 13. Chapter 390 of NAC is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this regulation.

Sec. 14. ***The Department shall interpret the term "class time," as used in section 34 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3430, to have the meaning ascribed to "instructional minutes" in section 3 of this regulation.***

Sec. 15. ***The Department shall interpret the term "total number of annual minutes of attendance required for a pupil," as used in NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431, to mean the total number of minutes calculated by multiplying the number of minutes in a minimum daily period, as set***

forth in NAC 387.131, by the number of school days in session included on the relevant school calendar approved pursuant to NAC 387.120.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R078-25, Adopted by the Nevada State Board of Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 387 and 390:

1. **A clear and concise explanation of the need for the adopted regulation:**
   In addition to changes within SB460 (2025), the school calendar process was reviewed by the Department, school districts, and charter schools collaboratively in 2023-24, and these updates reflect current and best practice.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**1**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 R078-25 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. Please see section 2 for further information regarding posting and

solicitation of feedback / comments.

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 February 25, 2026. At the time of the hearing, one amendment was made by the Board in Section 8, Subsection 5 to read "*a professional development day as a school day in session may not be scheduled within 20 school days before the last day of instruction,* ***unless approved by the Department for exigent circumstance."***

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
FEBRUARY 25, 2026
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	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 Castellanos 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**
   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. **2:00 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF HISTORICALLY UNDERSERVED (***For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 387 regarding the definition of historically underserved pursuant to funding priorities under Nevada Ready! PreK pursuant to SB460.
   - Michael Mitchell, Director, Office of Early Learning and Development

4. **2:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS** *(For possible action)*
   The Nevada Department of Education will hold regulation hearing on proposed changes to NAC 387 regarding school calendars, to include clarifying definitions, reporting, and submission requirements.
   - Amelia Thibault, Legislative Liaison, Office of the Superintendent of Public Instruction

5. **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.

6. **ADJOURNMENT**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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 R078-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:01 PM** on **Wednesday, February 25, 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.

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:** The Department held a Calendar, Credit, and Instructional Time collaborative 2023-24 to identify necessary updates and revisions to NAC 387 regarding school calendars, in addition to changes in the 2025 Session under SB460 and AB383.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation provides expanded definitions, clarifies requirements for submission of a school calendar, clarifies the role of charter schools and university school for profoundly gifted students, streamlining program applications and their calendars; and streamlining reporting requirements.

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			
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**
   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. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 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

Joe Lombardo
Governor

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

Southern Nevada Office
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 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:

9:05 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX and 387.010-153 regarding school calendars and instructional time.

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.

Joe Lombardo
Governor

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

Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX and 387.010-153.

The proposed regulation regarding school calendars and instructional time is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I, Steve Canavero, Interim Superintendent of Public Instruction, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

ADOPTED REGULATION OF THE

DEPARTMENT OF EDUCATION

LCB File No. R080-25

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

AUTHORITY: § 1, section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343.

A REGULATION relating to education; establishing requirements for the submission and evaluation of a petition to modify, suspend or eliminate a requirement for a public school or school district to report certain information or data; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a procedure by which the superintendent of schools of a school district or the Superintendent of Public Instruction is authorized to modify, suspend or eliminate a requirement for a public school or school district to report information or data that is redundant or duplicative or does not provide information or data that is used by the Department of Education, the State Board of Education or any other person or entity to support educational outcomes. Under existing law, the Department is authorized to adopt regulations to carry out the provisions of existing law governing the modification, suspension or elimination of such reporting requirements. (Section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343)

This regulation: (1) provides that the Department will create a comprehensive list of reporting requirements under its jurisdiction for the purpose of supporting the evaluation of a petition to modify, suspend or eliminate such reporting requirements; (2) establishes the persons who are authorized to submit a petition; (3) requires a petition to be submitted using the file specification prescribed by the Department for a petition to modify, suspend or eliminate a reporting requirement; (4) provides that the Department will create and use a publicly available rubric to evaluate a petition to modify, suspend or eliminate a reporting requirement; and (5) provides that the Department will create a model rubric for use by the superintendent of schools of a school district, the sponsor of a charter school or the governing body of a university school for profoundly gifted pupils when evaluating a petition to modify, suspend or eliminate a reporting requirement.

Section 1. Chapter 385 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department will create a comprehensive list of reporting requirements under the jurisdiction of the Department, which the Department may use to support the evaluation of a petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343. A petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343, may be submitted to the Department only if the relevant reporting requirement is within the jurisdiction of the Department.

2. A petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343:

(a) May be submitted by a teacher, a school-level administrator, a person who is employed as specialized instructional support personnel or any other person employed by a charter management organization, an educational management organization or a local educational agency; and

(b) Must be submitted to the Department using the file specification prescribed by the Department for such petitions.

3. The Department will evaluate a petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343, using a publicly available rubric created by the Department. The publicly available rubric will provide for the assignment of an evaluation score for a petition based on the following factors:

(a) Whether the reporting requirement is federal, state or local in nature;

(b) Whether the reporting requirement is within the jurisdiction of the Department;

(c) The extent to which the information or data obtained from the reporting requirement informs data-based decision making or supports state or federal requirements for the accountability of public schools;

(d) The extent to which the information or data obtained from the reporting requirement actively responds to or affects the education of pupils; and

(e) Whether the information or data obtained from the reporting requirement could be incorporated into another report to streamline reporting requirements and the manner in which such a combination of reporting requirements would occur.

4. The Department will create a model rubric for use by the superintendent of schools of a school district, the sponsor of a charter school or the governing body of a university school for profoundly gifted pupils, as applicable, when evaluating a petition to modify, suspend or eliminate a reporting requirement pursuant to section 1.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3343.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R080-25, Adopted by the Nevada Department of Education and Superintendent of Public Instruction

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 385:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Nevada Department of Education and Superintendent of Public Instruction are tasked with developing regulations pursuant to SB460 (2025) regarding reporting petitions and the process for the review and approval of such petitions.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**1**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R080-25 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Superintendent of Public Instruction adopted the proposed regulation at the public hearing held on February 25, 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.

NEVADA DEPARTMENT OF EDUCATION
REGULATIONS HEARING AGENDA
FEBRUARY 25, 2026
2:30 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 Castellanos 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**
   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. **2:30 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS (***For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding the definitions, processes, and purposes of creating and implementing educator performance improvement plans as drafted by the Teachers and Leaders Council. Performance improvement plans are required pursuant to changes in SB460 under the Nevada Educator Performance Framework regarding post-probationary administrators or educators.
   - Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

4. **2:31 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER** *(For possible action)*
   The Nevada Department of Education will hold regulation hearing on proposed changes to NAC 391A regarding the establishment of the Education Service Center. Created by the 2025 Nevada Legislature

through SB460, this Center is designed to manage and provide support programs for local school districts and charter schools. The proposed regulations in LCB File R084-25 will define how the Center operates by setting specific requirements for its Board of Directors to ensure representation from large and small districts, teachers, and school leaders across the state. Additionally, the regulations establish the qualifications and hiring process for the Executive Director, set fiscal oversight rules requiring Board approval for contracts of $50,000 or more, and ensure public accountability through a required website and annual reports to state leadership regarding the Center's activities and funding.

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

5. **2:32 P.M. REGUALATION HEARING ON PROPOSED CHANGES TO NAC 390 REGARDING INSTRUCTIONAL TIME USED TO ADMINISTER ASSESSMENTS** *(For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding changes under SB460 regarding the use of time to administer assessments, to include clarifying which assessments qualify under the established 2% cap.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management

6. **2:33 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 385 REGARDING PETITIONS TO STREAMLINE OR ABOLISH REPORTING REQUIREMENTS** *(For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 385 regarding petitions to streamline or abolish reporting requirements pursuant to SB460, to include the Department's jurisdiction and process for evaluation.
   - Amelia Thibault, Legislative Liaison, Office of the Superintendent of Public Instruction

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

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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 R080-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:33 PM** on **Wednesday, February 25, 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 385.

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:** SB460 (2025) created a new requirement regarding petitions to streamline or eliminate reporting requirements.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation establishes criteria regarding the Department's review of such petitions.

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			
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**
   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. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 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

Joe Lombardo
Governor

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

Southern Nevada Office
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 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:

9:09 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.XXX regarding petitions for the elimination of statutory and regulatory reports.

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.

Joe Lombardo
Governor

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

Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.

The proposed regulation regarding petitions of statutory and regulatory reports is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I, Steve Canavero, Interim Superintendent of Public Instruction, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

ADOPTED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R081-25

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

AUTHORITY: § 1, NRS 289.510, as amended by section 2 of Senate Bill No. 380, chapter 389, Statutes of Nevada 2025, at page 2592, and NRS 289.605, as amended by section 3 of Senate Bill No. 380, chapter 389, Statutes of Nevada 2025, at page 2594.

A REGULATION relating to peace officers; requiring that a course of continuing education include training on interactions with persons with developmental disabilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Peace Officers' Standards and Training Commission is required to adopt regulations requiring all peace officers annually to complete courses of continuing education on various topics. The 83rd Session of the Nevada Legislature enacted legislation to require an additional continuing education topic of interactions with persons with developmental disabilities. (NRS 289.510, as amended by section 2 of Senate Bill No. 380, chapter 389, Statutes of Nevada 2025 at page 2592, and NRS 289.605, as amended by section 3 of Senate Bill No. 380, chapter 389, Statutes of Nevada 2025, at page 2594) This regulation makes a corresponding change to the continuing education requirements of the Commission.

Section 1. NAC 289.230 is hereby amended to read as follows:

289.230 1. Except as otherwise provided in subsections 7 and 8, to maintain a basic certificate or reserve certificate, the officer must annually:

(a) Satisfy the requirements of subsection 5; and

(b) Complete not less than 12 hours of continuing education in courses that address:

(1) Racial profiling;

(2) Mental health, including, without limitation, crisis intervention;

(3) The well-being of officers;

(4) Implicit bias recognition;

(5) De-escalation;

(6) Human trafficking; ~~[and]~~

(7) Firearms ~~[.]~~ ***; and***

(8) Interactions with persons with developmental disabilities which may include, without limitation, training on recognizing and responding to persons with an autism spectrum disorder.

2. The employing agency shall ensure that its officers comply with the requirements of subsection 1. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 4 for failure to comply with this section. After an officer completes the requirements of subsection 1, the employing agency shall submit to the Executive Director by any means approved by the Executive Director verification that the officer has completed those requirements. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of subsection 1.

3. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before December 31 of the year in which the officer was required to complete those requirements, the Executive Director shall notify the administrator of the employing agency that he or she has not received the verification required by subsection 2 and that if the verification is not received on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director will place the

administrator on the agenda for the next scheduled meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

4. Upon the request of the Commission or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of subsection 1. The Commission will notify each officer and his or her employing agency of any noncompliance. The Commission will suspend the certificate of any officer who does not complete the requirements of subsection 1 within 60 days after the date on which he or she received the notice of noncompliance. The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1. The temporary reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate. The Commission will reinstate the suspended certificate or temporarily reinstated certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1.

5. Except as otherwise provided in subsections 7 and 8, in addition to completing the continuing education required pursuant to subsection 1, an officer must:

(a) If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device or other less than lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(c) If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons.

(d) If the employing agency of the officer authorizes the use of a carotid restraint or lateral vascular neck restraint, demonstrate annually a minimum level of proficiency in those techniques.

(e) Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.

6. Each employing agency shall establish and provide the courses set forth in subsection 5 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least 4 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 4 consecutive months but not more than 60 consecutive months;

(c) Who, during a period of continuous employment as a peace officer, is absent from his or her duties as a peace officer because of medical leave, military leave or other approved leave for at least 4 consecutive months; or

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,

➥ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

8. An officer who instructs a course pursuant to subsection 5 is not required to comply with the requirements of subsection 5 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which the officer is qualified and approved by the administrator of the officer's agency during each calendar year;

(b) Participates at least once every 3 years in a course of training for instructors that is approved by the Executive Director; and

(c) Demonstrates to the Commission or its designee at least once every 3 years proficiency in the subject that he or she instructs.

9. Each agency shall maintain documentation of the courses provided pursuant to subsection 5. Such documentation must include, without limitation, the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Executive Director of each officer who completes the training.

INFORMATIONAL STATEMENT

R081-25

A clear and concise explanation of the need for the adopted regulation:
Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
This regulation is required to implement the changes contained in Senate Bill 380 (SB380) of the 83rd (2025) Nevada Legislative Session.

A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary:
A workshop was held October 29, 2025, where public comment was accepted during the workshop and regularly scheduled meeting held immediately after the workshop. The notice and regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.state.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 Wa Pai Shone Ave., Carson City, NV 89701, and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

1) **Attended Workshop 17**
2) **Testified at each hearing 0**
3) **Submitted to the agency written statements 0**

A Public hearing was held February 12, 2026, where public comment was accepted during the Public Hearing and during the regularly scheduled meeting after the Public Hearing. The notice and regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.state.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 Wa Pai Shone Ave., Carson City, NV 89701, and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

1) **Attended Public Hearing 11**
2) **Testified at each hearing 0**
3) **Submitted to the agency written statements 0**

Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state "not provided"):

N/A

Summary Public Response:

No copy of summary response available since no summary was created.

A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary:
Because this regulation amends Nevada Administrative Code Chapter 289, the proposed amendment to NAC 289 will have no impact on small business.

If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:
This regulation meets the requirements and was adopted with no changes.

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

1)Both the adverse and beneficial effects; and

Adverse – No adverse economic effects to be expected.
Beneficial – No beneficial economic effects to be expected.

2)Both immediate and long-term effects

Immediate effects – No immediate effects to be expected.
Long-term effects – No long-term effects to be expected.

The estimated cost to the agency for enforcement of the proposed regulation:
No cost to the agency for enforcement.

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 of duplicates a federal regulation, the name of the regulating federal agency:
The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:
There are no provisions which are more stringent than a federal regulation which regulates the same activity.

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 establish a new fee or increase an existing fee.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

SMALL BUSINESS IMPACT STATEMENT
LCB FILE NO. R081-25
EFFECTIVE DATE OF REGULATION :
Upon filing with the Nevada Secretary of State

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary:

Pursuant to NRS 233B.0608(1), the Commission on Peace Officer Standards and Training (or "POST") made a concerted effort to determine whether the proposed regulation is likely to impose a direct and significant economic burden upon small business or directly restrict the formation, operation or expansion of a small business. POST determined that no such burdens or restrictions are applicable here. A workshop is scheduled for October 29, 2025, starting at 1:00 p.m. at the Las Vegas Metropolitan Police Department, K9 Bureau, 2725 W. Pyle Ave., Las Vegas, NV 89183, where public comment will be accepted during the workshop and regularly scheduled meeting held immediately after the workshop. The notice and the regulation to be amended, pursuant to NRS 241.020(4), will be provided via electronic mean to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice will be physically posted at the Commission on Peace Officer Standards and Training Administration Office at 5587 Wa Pai Shone Ave., Carson City, NV and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended will be available upon request by contacting the POST Standards Division at (775) 687-3335.

2. The manner in which the analysis was conducted:

This regulation change does not apply to small businesses. The Commission on Peace Officer Standards and Training has authority to adopt regulations regarding the certification and training of peace officers. The regulations apply to peace officers and employing state, local and government agencies regulated by POST.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

a. Both adverse and beneficial effects:

i. **Adverse effects:** There are no adverse effects on small business as POST regulations do not apply to small business.

ii. **Beneficial effects:** There are no beneficial effects on small business as POST regulations do not apply to small business.

b. Both direct and indirect effects

i. **Direct effects:** There will be no direct effect on small business as POST regulations do not apply to small business.

ii. **Indirect effects:** There will be no indirect effect on small business as POST regulations do not apply to small business.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods:
There will be no impact to small business.

5. The estimated cost to the agency for enforcement of the proposed regulation:
There will be no fiscal impact to the agency.

6. If the proposed 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:
There be no new fees or increases to existing fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary:
There are no duplicative or more stringent provisions with this regulation change.

8. The reason for the conclusions of the agency regarding the impact of a regulation on small businesses:
The proposed regulation has no impact on small businesses.

I certify that, to the best of my knowledge or belief, the information contained in this statement was prepared properly and is accurate. (NRS 233B.0609(2))



Michael Sherlock, Executive Director
NV Commission on POST

ADOPTED REGULATION OF THE

STATE BOARD OF EDUCATION

LCB File No. R083-25

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

AUTHORITY: § 1, NRS 387.652, as amended by section 13.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3386, and NRS 387.656.

A REGULATION relating to education; interpreting the term "vulnerable and historically underserved populations" for the purpose of determining whether certain entities providing prekindergarten programs are eligible for grants awarded by the Department of Education to support prekindergarten programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Early Childhood Literacy and Readiness Account and authorizes the Department of Education to award grants to school districts, sponsors of charter schools, institutions within the Nevada System of Higher Education and nonprofit organizations to support early childhood literacy and readiness programs. (NRS 387.1273, 387.1275, as amended by section 13 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3385) Existing law additionally requires the Department, to the extent money is available, to award grants to school districts, sponsors of charter schools, institutions within the Nevada System of Higher Education or nonprofit organizations to support prekindergarten programs. Under existing law, among other requirements, a prekindergarten program supported by such a grant is required, to the extent practicable to ensure that the prekindergarten program serves as many children as possible, to serve children: (1) whose household has a household income of not more than 250 percent of federal poverty level; (2) who have an individualized educational program; (3) whose primary language is not English; or (4) who are members of vulnerable and historically underserved populations. (NRS 387.652, as amended by section 13.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, page 3386)

This regulation interprets "vulnerable and historically underserved populations" for the purposes of awarding such grants for prekindergarten programs.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

For the purposes of awarding grants of money to school districts, sponsors of charter schools, institutions within the Nevada System of Higher Education and nonprofit organizations to support prekindergarten programs pursuant to NRS 387.652, as amended by section 13.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3386, the Department interprets the term "vulnerable and historically underserved populations" to mean any of the following populations:

1. Children living in a geographic area designated by the United States Department of Agriculture as rural, designated by the United Stated Department of Agriculture as a frontier and remote area or located on qualified tribal land as defined in NRS 387.3289;

2. Children residing in a foster home;

3. Children residing in a household with a relative or fictive kin, as defined in NRS 432B.0657, and in which no parent of the children resides;

4. Children with an incarcerated parent or guardian;

5. Homeless children and youths, as defined in the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11434a(2);

6. Children residing in a zone of attendance, as defined in NRS 385B.045, in which are located only elementary schools rated one star or two stars under the statewide system of accountability for public schools, without consideration of unrated schools;

7. Children in families with asylum or refugee status as designated by the United States Citizenship and Immigration Services of the Department of Homeland Security; or

8. Children residing in a household with a parent or guardian who is raising a child or children without a spouse or partner to assist in the upbringing of the child.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R083-25, Adopted by the Nevada State Board of Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 387:

1. **A clear and concise explanation of the need for the adopted regulation:**
   SB460 (2025) added a previously undefined term to the eligibility requirements for funding under the Early Childhood Literacy and Readiness Account; this regulation defines the term "vulnerable and historically underserved populations" for these purposes.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**1**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 R083-25.

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. Please see section 2 for further information regarding posting and

solicitation of feedback / comments.

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 February 25, 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
FEBRUARY 25, 2026
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	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 Castellanos 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**
   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. **2:00 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 REGARDING THE DEFINITION OF HISTORICALLY UNDERSERVED (***For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 387 regarding the definition of historically underserved pursuant to funding priorities under Nevada Ready! PreK pursuant to SB460.
   - Michael Mitchell, Director, Office of Early Learning and Development

4. **2:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 REGARDING SCHOOL CALENDARS** *(For possible action)*
   The Nevada Department of Education will hold regulation hearing on proposed changes to NAC 387 regarding school calendars, to include clarifying definitions, reporting, and submission requirements.
   - Amelia Thibault, Legislative Liaison, Office of the Superintendent of Public Instruction

5. **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.

6. **ADJOURNMENT**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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 R083-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:00 PM** on **Wednesday, February 25, 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.

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:** SB460 (2025) revised provisions regarding the allocation of Nevada Ready! PreK funding to include historically underserved students, which is not adequately defined in the statute.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation defines historically underserved.

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			
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**
   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. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 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

Joe Lombardo
Governor

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

Southern Nevada Office
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 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:

9:01 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX regarding the definition of vulnerable and historically underserved populations for the purposes of awarding early childhood funding.

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.

Joe Lombardo
Governor

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

Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 387.XXX.

The proposed regulation regarding the definition of vulnerable and historically underserved for the purposes of awarding early childhood funding is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I, Steve Canavero, Interim Superintendent of Public Instruction, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

R084-25

ADOPTED REGULATION OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

LCB File No. R084-25

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

AUTHORITY: §§ 1-14, section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460.

A REGULATION relating to education; setting forth certain requirements and preferences for the appointment of the members of the Board of the Education Service Center; imposing certain duties on the Superintendent of Public Instruction relating to appointments to fill vacancies in the membership of the Board; establishing certain provisions governing the appointment of an Executive Director of the Center; setting forth certain preferences which must be given in employing certain employees and hiring independent contractors to carry out the activities of the Center; setting forth certain provisions governing contracts and interlocal agreements for the Center; establishing certain requirements for the maintenance of an Internet website by the Center; requiring the Executive Director to provide an annual written report of the activities of the Center; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2025 Legislative Session, the Nevada Legislature passed Senate Bill No. 460, which: (1) created the Education Service Center as an educational service agency to develop, manage and provide services and programs to local educational agencies and, as necessary, to other local governments; (2) set forth certain requirements for the appointment of the members of the Board of the Education Service Center as the Center's governing body; (3) authorized the Board to appoint an Executive Director; (4) set forth certain duties and powers of the Center, Board and Executive Director; and (5) authorized the Superintendent of Public Instruction to adopt regulations to prescribe operational aspects of the Center, including qualifications for the Board and employees of the Center and procedures for contracting. (Section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460)

Sections 2-6 of this regulation define certain words and terms for the purposes of provisions relating to the Center.

Section 7 of this regulation sets forth certain requirements and preferences which must be given in the appointment of the members of the Board.

Section 8 of this regulation requires the Superintendent of Public Education to prepare a list of not fewer than two persons who meet the qualifications for a vacant position on the Board and to submit the list to the person authorized to make the appointment or the State Board of Education, as applicable, whenever there is a vacancy in the membership of the Board.

Section 9 of this regulation: (1) provides that the Board may establish its own process and procedure for appointing the Executive Director; and (2) sets forth the qualifications for a person to be eligible to be appointed to the position of Executive Director.

Section 10 of this regulation sets forth certain preferences which must be given by the Executive Director in employing any employees or hiring any independent contractors which are necessary to carry out the duties of the Center.

Section 11 of this regulation authorizes the Executive Director to enter into contracts to conduct research or evaluations and provide other services in the performance of the activities of the Center. **Section 11** also requires that the Center comply with all provisions of the Nevada Revised Statutes and Nevada Administrative Code governing the purchasing of goods and services and the issuance of contracts, except for certain contracts for the hiring of professionals as independent contractors. (Chapters 333 of NRS and NAC) Finally, **section 11** requires: (1) that certain contracts, the value of which, singularly or in the aggregate, are equal to or exceed $50,000 during a single fiscal year be approved by the Board before being executed by the Executive Director; and (2) the Executive Director to annually provide the Board with a list of all contracts which have a value of less than $50,000.

Section 12 of this regulation authorizes the Executive Director to enter into interlocal agreements with certain entities for the operation and support of the Center.

Section 13 of this regulation: (1) requires the Center to maintain an Internet website available to the public; and (2) specifies certain information which must be included on the website.

Section 14 of this regulation requires the Executive Director to provide an annual written report of the activities of the Center to the Governor, the Superintendent of Public Instruction and the Director of the Legislative Counsel Bureau for transmittal to the leadership of the Legislature.

Section 1. Chapter 391A 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 6, inclusive, of this regulation have the meanings ascribed to them in those sections.***

Sec. 3. ***"Board" means the Board of the Center.***

Sec. 4. ***"Center" means the Education Service Center.***

Sec. 5. ***"Executive Director" means the Executive Director of the Center.***

Sec. 6. ***"Superintendent" means the Superintendent of Public Instruction.***

Sec. 7. ***1. In appointing two members of the Board pursuant to paragraph (a) of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, the Governor shall give preference to:***

(a) One person who represents higher education; and

(b) One person who has a background in public administration and finance.

2. In appointing members of the Board pursuant to paragraphs (b) to (e), inclusive, of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the Assembly and the Minority Leader of the Assembly, respectively, shall give preference to persons as described herein to ensure, to the extent possible, that the Board is composed of:

(a) One person who has administrative experience in a school district in this State, including, without limitation, a trustee of a local school district, a superintendent of a school district or another person who has senior administrative responsibilities at the district level of a school district;

(b) One person who serves or has served as a principal of a school in a school district or a charter school which has attained the highest or second highest rating of performance in accordance with the statewide system of accountability for public schools as it pertains to school districts and charter schools in this State pursuant to sections 6.2 to 6.6, inclusive, of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3354-3359, and was

serving as the principal of the school in the school district or charter school, as applicable, at the time the school in the school district or charter school attained the rating;

(c) One person who is a member of the governing body of a regional training program created by NRS 391A.120; and

(d) One teacher who actively teaches in a school district or at a charter school which has attained the highest or second highest rating of performance in accordance with the statewide system of accountability for public schools as it pertains to school districts and charter schools in this State pursuant to sections 6.2 to 6.6, inclusive, of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3354-3359, and was teaching in the school district or at the charter school, as applicable, at the time the school district or charter school attained the rating.

3. In all appointments made pursuant to this section and subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, attention must be given to the representation of:

(a) Large and small school districts;

(b) Charter schools; and

(c) The geographic distribution of school districts in this State.

4. The member of the Board who is appointed by the State Board pursuant to paragraph (f) of subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460, must be a member of the State Board elected pursuant to paragraph (a) of subsection 1 of NRS 385.021.

Sec. 8. *If a vacancy occurs in the membership of the Board, the Superintendent will:*

1. Prepare a list of not fewer than two persons who meet the qualifications for the vacant position as set forth in section 7 of this regulation; and

2. Submit the list prepared pursuant to subsection 1 to the person who is authorized to make the appointment or the State Board, as applicable, pursuant to subsection 2 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460.

Sec. 9. *1. The Board may establish its own process and procedure for appointing the Executive Director.*

2. To be eligible to be appointed to the position of Executive Director, a person must:

(a) Have attained the age of 21 years at the time of his or her appointment;

(b) Possess the knowledge and ability to oversee the activities of the Center, as set forth in subsection 8 of section 56.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3460;

(c) Have demonstrated experience administering large public agencies, programs or systems; and

(d) Have demonstrated experience with establishing or administering programs to improve the performance of schools.

Sec. 10. *Within the limits of available funds, the Executive Director may employ such employees and hire such independent contractors as deemed necessary to carry out the duties of the Center, with a preference for experience:*

1. In system governance, public administration or finance;

2. Identifying and evaluating evidence-based educational practices; and

3. As an administrator, principal or teacher in an elementary or secondary school.

Sec. 11. *1. The Executive Director may enter into contracts with a business licensed in this State or with other persons to conduct research or evaluations and provide other services in the performance of the activities of the Center.*

2. Except as otherwise provided in subsection 3, the Center shall comply with all provisions of chapters 333 of NRS and NAC for the purchasing of goods and services and the issuance of contracts.

3. The Executive Director shall collaborate with the Administrator of the Purchasing Division of the Department of Administration to ensure that professionals which the Center hires as independent contractors are contracted expeditiously and without competitive selection as authorized by subsection 2 of NAC 333.150.

4. Any contracts the value of which, singularly or in the aggregate, are equal to or exceed $50,000 during a single fiscal year must be approved by the Board before being executed by the Executive Director.

5. The Executive Director shall annually provide to the Board a list of all contracts which have a value of less than $50,000.

Sec. 12. *The Executive Director may enter into interlocal agreements for the operation and support of the Center with:*

1. The Department;

2. The Nevada System of Higher Education; and

3. Any governmental agency, including, without limitation:

(a) A school district;

(b) The governing body of a charter school; and

(c) A regional training program created by NRS 391A.120.

Sec. 13. *The Center shall maintain an Internet website available to the public which includes, without limitation:*

1. All requests received from school districts for the services of the Center;

2. An annual summary of services provided by the Center, disaggregated by each school district and each sponsor of a charter school, as applicable;

3. The resumes and qualifications of persons employed by or contracted with the Center; and

4. The sources of all funding of the Center.

Sec. 14. *The Executive Director shall annually, not later than June 30 of each year, provide a written report of the activities of the Center to:*

1. The Governor;

2. The Superintendent; and

3. The Director of the Legislative Counsel Bureau for transmittal to:

(a) The Majority Leader of the Senate;

(b) The Minority Leader of the Senate;

(c) The Speaker of the Assembly; and

(d) The Minority Leader of the Assembly.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R084-25, Adopted by the Nevada Department of Education and Superintendent of Public Instruction

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391A:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Nevada Department of Education and Superintendent of Public Instruction are tasked with developing regulations pursuant to SB460 (2025) regarding the Education Service Center.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**1**) and Hearing (**1**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R084-25 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and

solicitation of feedback / comments.

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 Superintendent of Public Instruction adopted the proposed regulation at the public hearing held on February 25, 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.

NEVADA DEPARTMENT OF EDUCATION
REGULATIONS HEARING AGENDA
FEBRUARY 25, 2026
2:30 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 Castellanos 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**
   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. **2:30 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS (***For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding the definitions, processes, and purposes of creating and implementing educator performance improvement plans as drafted by the Teachers and Leaders Council. Performance improvement plans are required pursuant to changes in SB460 under the Nevada Educator Performance Framework regarding post-probationary administrators or educators.
   - Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

4. **2:31 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER** *(For possible action)*
   The Nevada Department of Education will hold regulation hearing on proposed changes to NAC 391A regarding the establishment of the Education Service Center. Created by the 2025 Nevada Legislature

through SB460, this Center is designed to manage and provide support programs for local school districts and charter schools. The proposed regulations in LCB File R084-25 will define how the Center operates by setting specific requirements for its Board of Directors to ensure representation from large and small districts, teachers, and school leaders across the state. Additionally, the regulations establish the qualifications and hiring process for the Executive Director, set fiscal oversight rules requiring Board approval for contracts of $50,000 or more, and ensure public accountability through a required website and annual reports to state leadership regarding the Center's activities and funding.

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

5. **2:32 P.M. REGUALATION HEARING ON PROPOSED CHANGES TO NAC 390 REGARDING INSTRUCTIONAL TIME USED TO ADMINISTER ASSESSMENTS** *(For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding changes under SB460 regarding the use of time to administer assessments, to include clarifying which assessments qualify under the established 2% cap.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management

6. **2:33 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 385 REGARDING PETITIONS TO STREAMLINE OR ABOLISH REPORTING REQUIREMENTS** *(For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 385 regarding petitions to streamline or abolish reporting requirements pursuant to SB460, to include the Department's jurisdiction and process for evaluation.
   - Amelia Thibault, Legislative Liaison, Office of the Superintendent of Public Instruction

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

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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 R084-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:31 PM** on **Wednesday, February 25, 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 391A.

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:** SB460 (2025) establishes the Education Service Center and authorizes the Superintendent of Public Instruction to develop regulations for the development of the Center.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation establishes certain aspects of the Education Service Center, to include defining terms and allowable and/or required activities for the Center.

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:** The Education Service Center will support local education agencies 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
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 DEFINTIONS 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**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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 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,** 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:

1:31 PM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391A.XXX regarding the establishment of the Education Service Center.

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.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: January 27, 2026

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391A.XXX

The proposed regulation regarding the establishment of the Education Service Center is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I, Victor Wakefield, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement is accurate.

Dr. Victor Wakefield
Superintendent of Public Instruction
Nevada Department of Education

R086-25

ADOPTED REGULATION OF THE

DEPARTMENT OF EDUCATION

LCB File No. R086-25

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

AUTHORITY: § 1, NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431.

A REGULATION relating to education; establishing limits on the preparation for and conduct of certain examinations and assessments of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 388.157, 390.105, 390.610, 390.800, 390.810, 390.820, 390.830) Existing law requires the Department of Education to adopt regulations prescribing limits on the: (1) actual time taken from a school day to prepare for or conduct examinations or assessments that are required to be administered to pupils by state or federal law or by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis; and (2) number of such examinations and assessments administered to pupils in a school year. Under existing law, the State Board of Education is authorized to waive such limits if the board of trustees of a school district or the governing body of a charter school, as applicable, requests a waiver and the State Board determines a waiver is appropriate. (NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431)

Senate Bill No. 460 of the 2025 Legislative Session requires the regulations adopted by the Department to: (1) prohibit the total number of minutes spent during a school year preparing for or conducting the examinations or assessments from exceeding 2 percent of the total number of minutes of attendance required for a pupil, excluding time prescribed for recess, in the school year; and (2) provide exceptions from this prohibition that are necessary to comply with federal law, for a pupil who is being administered an examination or assessment as a result of the pupil participating in an advanced placement course, an international baccalaureate course, a program of career and technical education or any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in an elementary school and for a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability.

(NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431) This regulation: (1) adopts the limit on the total number of minutes of attendance during a school year that may be spent preparing for or conducting examinations and assessments of pupils; (2) prohibits the number of examinations and assessments administered to a pupil from exceeding five; and (3) adopts the exceptions required by existing law to these limits on examinations and assessments.

Section 1. Chapter 390 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the board of trustees of each school district and the governing body of each charter school shall ensure that, unless the State Board has approved a waiver pursuant to subsection 3 of NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431:

(a) The total number of annual minutes spent during a school year preparing for or conducting examinations or assessments of pupils enrolled in the school district or charter school, as applicable, does not exceed 2 percent of the total number of annual minutes of attendance required for a pupil, excluding time prescribed for recess.

(b) The number of examinations and assessments administered in a school year to a pupil enrolled in the school district or charter school, as applicable, does not exceed a total of five.

2. The limitations imposed by paragraphs (a) and (b) of subsection 1 do not apply:

(a) To the extent necessary to ensure compliance with federal law, including, without limitation, the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and section 204 of the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f);

(b) For a pupil who is being administered an examination or assessment as a result of the pupil participating in:

(1) An advanced placement course;

(2) An international baccalaureate course;

(3) A program of career and technical education; or

(4) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in an elementary school pursuant to NRS 388.157; and

(c) For a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability.

3. For the purposes of this section, "examination or assessment" has the meaning ascribed to it in NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R086-25, Adopted by the Nevada Department of Education and Superintendent of Public Instruction

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 390:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Nevada Department of Education and Superintendent of Public Instruction are tasked with developing regulations pursuant to SB460 (2025) regarding the use of time on assessments.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**2**) and Hearing (**1**)
   b. Testified at Workshop (**1**) and Hearing (**0**)
   c. 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.**
   Susan Jansen, Board Trustee, Douglas County School District. Comment was related to a clarification regarding the assessments that qualify under the limitation.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Superintendent of Public Instruction adopted the proposed regulation at the public hearing held on February 25, 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.

NEVADA DEPARTMENT OF EDUCATION
REGULATIONS HEARING AGENDA
FEBRUARY 25, 2026
2:30 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 Castellanos 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**
   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. **2:30 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS (***For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding the definitions, processes, and purposes of creating and implementing educator performance improvement plans as drafted by the Teachers and Leaders Council. Performance improvement plans are required pursuant to changes in SB460 under the Nevada Educator Performance Framework regarding post-probationary administrators or educators.
   - Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

4. **2:31 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391A REGARDING THE EDUCATION SERVICE CENTER** *(For possible action)*
   The Nevada Department of Education will hold regulation hearing on proposed changes to NAC 391A regarding the establishment of the Education Service Center. Created by the 2025 Nevada Legislature

through SB460, this Center is designed to manage and provide support programs for local school districts and charter schools. The proposed regulations in LCB File R084-25 will define how the Center operates by setting specific requirements for its Board of Directors to ensure representation from large and small districts, teachers, and school leaders across the state. Additionally, the regulations establish the qualifications and hiring process for the Executive Director, set fiscal oversight rules requiring Board approval for contracts of $50,000 or more, and ensure public accountability through a required website and annual reports to state leadership regarding the Center's activities and funding.

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

5. **2:32 P.M. REGUALATION HEARING ON PROPOSED CHANGES TO NAC 390 REGARDING INSTRUCTIONAL TIME USED TO ADMINISTER ASSESSMENTS** *(For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 390 regarding changes under SB460 regarding the use of time to administer assessments, to include clarifying which assessments qualify under the established 2% cap.
   - Peter Zutz, Administrator, Office of Assessments, Data, and Accountability Management

6. **2:33 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 385 REGARDING PETITIONS TO STREAMLINE OR ABOLISH REPORTING REQUIREMENTS** *(For possible action)*
   The Nevada Department of Education will hold a regulation hearing on proposed changes to NAC 385 regarding petitions to streamline or abolish reporting requirements pursuant to SB460, to include the Department's jurisdiction and process for evaluation.
   - Amelia Thibault, Legislative Liaison, Office of the Superintendent of Public Instruction

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

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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 R086-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **2:32 PM** on **Wednesday, February 25, 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 390.

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:** SB460 (2025) created a new requirement regarding limitations on the amount of instructional time used to administer assessments.

2. **Description of the proposed regulation or the subjects and issues involved:** This regulation establishes criteria regarding the applicable assessments and instructional time used to administer such assessments.

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			
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**
   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. **9:00 A.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTTER 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

Joe Lombardo
Governor

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

Southern Nevada Office
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 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:

9:04 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 390.XXX regarding time used for administering and preparing for assessments.

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.

Joe Lombardo
Governor

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

Southern Nevada Office
2080 E. Flamingo Road, 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 390.XXX.

The proposed regulation regarding the time used for administering and preparing assessments is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I, Steve Canavero, Interim Superintendent of Public Instruction, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement is accurate.

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R098-25

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

AUTHORITY: § 1, NRS 391.019 and 391.021, as amended by section 1 of Assembly Bill No. 286, chapter 372, Statutes of Nevada 2025, at page 2452.

A REGULATION relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Existing law also requires the Commission to adopt regulations governing examinations for the initial licensing of teachers and other educational personnel and required such regulations to exempt an applicant from any requirement to pass a competency test in basic reading, writing and mathematics, at the level of competence specified by the Commission, if, after not passing such a test, the applicant completes a course of study approved by the Department of Education, with a grade of B or better, in each subject area of the competency test that the applicant did not pass. (NRS 391.021) Assembly Bill No. 286 of the 2025 Legislative Session (A.B. 286) instead requires these regulations to exempt an applicant from any requirement to pass a competency test in basic reading, writing and mathematics, at the level of competence specified by the Commission, if, at any time before or after completing such a test, the applicant completes a course of study approved by the Department, with a grade of B or better, in each subject area of the competency test that the applicant did not pass. (NRS 391.021, as amended by section 1 of Assembly Bill No. 286, chapter 372, Statutes of Nevada 2025, at page 2452) This regulation revises the existing exemption created in regulation to be consistent with the requirements of A.B. 286.

Section 1. NAC 391.036 is hereby amended to read as follows:

391.036 1. Except as otherwise provided in this section, paragraph (h) of subsection 1 of NRS 391.019, NAC 391.0545, paragraph (a) of subsection 9 of NAC 391.0896, subsection 7 of NAC 391.0897, subsection 3 of NAC 391.180, subsection 3 of NAC 391.223, paragraph (b) of

subsection 3 of NAC 391.231, paragraph (b) of subsection 3 of NAC 391.233, subsection 3 of NAC 391.276, subsection 2 of NAC 391.277, subsection 2 of NAC 391.279, subsection 4 of NAC 391.305, subsection 4 of NAC 391.312, subsection 2 of NAC 391.315, subsection 4 of NAC 391.320, subsection 3 of NAC 391.370, paragraph (b) of subsection 4 of NAC 391.425, subsection 2 of section 2 of LCB File No. R123-22, subsection 2 of section 3 of LCB File No. R123-22, subsection 2 of section 1 of LCB File No. R124-22, section 2 of LCB File No. R128-22 and section 1 of LCB File No. R070-24, an applicant who applies for:

(a) A license must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in:

(1) Basic reading, writing and mathematics;

(2) The principles and methods of teaching; and

(3) The subject matter of the area of endorsement on the license or the area of endorsement necessary for the applicant's area of assignment.

(b) An additional endorsement on a license held by the applicant must pass a competency test that has been approved by the Commission, at the level of competence specified by the Commission, in the subject matter of the area of endorsement for which the applicant is applying.

2. The Superintendent of Public Instruction may exempt an applicant from any of the tests required by subsection 1 if the applicant:

(a) Submits to the Department evidence that he or she:

(1) Has retired from teaching in this State;

(2) Held a special license, a license to teach elementary or secondary education, a license to teach special education, a license to teach pupils in a program of early childhood education or a license to teach middle school or junior high school education, which:

(I) Has expired within the year immediately preceding the date on which his or her application was submitted;

(II) Was free from any conditions that the applicant pass a competency test; and

(III) Authorized the applicant to teach in the same grade level and subject area for which he or she is applying to receive a license;

(3) Was required, for the issuance of the applicant's expired license, to complete courses of study and experience which are substantially equivalent to the courses of study and experience required for the issuance of the license for which he or she is applying; and

(4) Otherwise satisfies the requirements for the issuance of a license;

(b) Submits to the Department evidence that the applicant has passed, as part of a teacher education program approved by a state and offered through a regionally accredited college or university, competency examinations equivalent to those required of the applicant by subsection 1, as determined by the Department; or

(c) Submits to the Department evidence that the applicant holds a license to teach issued by another state which is acceptable to the Department for purposes of reciprocity.

3. An applicant is exempt from the requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department:

(a) Official documentation which indicates that he or she passed, within the 10 years immediately preceding the date on which his or her application was submitted and at the level of competency specified by the Commission:

(1) The “Praxis Core Academic Skills for Educators” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; or

(2) A test of basic skills that is determined by the Department to be equivalent to the test prescribed by subparagraph 1;

(b) Evidence that the applicant has:

(1) Received a master’s or more advanced degree from a regionally accredited college or university; and

(2) Completed, within the 10 years immediately preceding the date on which his or her application was submitted, the “Graduate Record Examinations,” prepared and administered by the Educational Testing Service, or its equivalent, and received a score which was at or above the midpoint of the score range in effect at the time the examination was administered;

(c) Official documentation which indicates that the applicant completed, within the 10 years immediately preceding the date on which his or her application was submitted:

(1) The ACT, administered by ACT, Inc., with a combined score of at least 21; or

(2) The SAT, administered by the Educational Testing Service, with a combined score of at least 1100; or

(d) Evidence that the applicant:

(1) Did not pass, at the level of competence specified by the Commission, the “Praxis Core Academic Skills for Educators” in reading, mathematics and writing, prepared and administered by the Educational Testing Service; and

(2) ~~[After not passing]~~ ***At any time before or after completing*** the competency test described in subparagraph (1), began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test described in

subparagraph (1) that the applicant did not pass. Evidence of the completion of a course of study pursuant to this subparagraph must consist of official transcripts indicating completion of the course of study as required by this subparagraph.

4. An applicant is exempt from the requirement to pass a competency test in the principles and methods of teaching if he or she:

(a) Submits to the Department official documentation which indicates that the applicant passed, at the level of competency specified by the Commission, the "Principles of Learning and Teaching Test" prepared and administered by the Educational Testing Service; or

(b) Is applying for a license with an endorsement in an area for which training in the principles and methods of teaching is not required.

5. An applicant is exempt from the requirement to pass a competency test in the subject matter of the area of endorsement if he or she:

(a) Submits to the Department official documentation which indicates that the applicant passed, within the 10 years immediately preceding the date on which his or her application was submitted and at the level of competency specified by the Commission, the competency test in that subject matter;

(b) Is applying for a license or endorsement in an area for which no competency tests have been approved by the Commission;

(c) Is applying for an endorsement to teach pupils who have speech and language impairments and submits to the Department official documentation which indicates that he or she has received a certificate of clinical competence from the American Speech-Language-Hearing Association; or

(d) Is applying for an endorsement in family and consumer sciences and submits to the Department official documentation which indicates that the applicant satisfactorily completed the "Family and Consumer Sciences Composite Examination," prepared and administered by the American Association of Family and Consumer Sciences.

6. An applicant who fails to comply with the provisions of this section may not apply for a renewable license.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R098-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**1**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R098-25 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on February 18, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

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 OF 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

January 16, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R098-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:04 A.M.** on **Wednesday, February 18, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding repeal of regulations pertaining to Chapter 391.036 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019 and 391.021.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

   NRS 391.021, the Commission on Professional Standards in Education shall adopt regulations:
    - *Governing examinations for the initial licensure; exemption for teacher and educational personnel who obtain reciprocal license.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, February 13, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, November 19, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - October 22, 2025

6. **Commission Meeting Schedule for 2026.** ***(Information/Discussion/For possible action).*** The Commission will consider setting the 2026 meeting schedule. The Commission may approve or not approve the 2026 meeting schedule.
    - Amy Rozar, President

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036. This regulation will comply with Assembly Bill 286 by allowing a candidate for licensure to take a course of study before or after not passing the Praxis Core basic exams in lieu of these exams. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX, 391.170 – License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program, and NAC 391.171 – Conditional endorsement as a professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to comply with Senate Bill 81 creating a pathway for already licensed educators to obtain a school or program administrator endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.215 – Endorsement to teach art, 391.270 – Endorsement to teach music, 391.280 – Endorsement to teach physical education, and 391.281 – Endorsement to teach physical education and health, and 391.096 – Qualifications for elementary and middle school physical education license; authorized employment.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.270, 391.280, 391.281, and repeal 391.096. This regulation will comply with Senate Bill 400 requiring that educators who teach music or art have an endorsement in music or art to be employed in certain districts and schools. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.063. This regulation will remove the requirement of a notarized statement of surrender of an endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an audiologist in a public school holds an audiologist endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.277 – Endorsement to provide services as an Occupational Therapist, 391.279 – Endorsement to provide services as a Physical Therapist, 391.XXX Endorsements to provide services as an Occupational or Physical Therapist Assistant.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an occupational or physical therapist or a person who provides services as an occupational or physical therapist assistant in a public school holds a corresponding endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of Licenses and Endorsements.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update the length of a license keeping the 3-year provisional, 5-year standard, 6-year professional, and eliminating the specialist and doctorate extended licenses. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **Presentation from Great Basin College (*Information/Discussion)*.** The Commission will hear a presentation from Great Basin College regarding how competency-based learning is incorporated into their educator preparation programs.
    - Denise Padilla, Elementary Education Program Supervisor
    - Brian Zeiszler, Secondary Education Program Supervisor

15. **Proposed Amendments to NAC Chapter 391.XXX – Apprentice License.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.XXX. This regulation will ensure that the holder of an Apprentice license cannot convert the license to an initial license until at least one year of teaching in a public school.
    - Jeff Briske, Director, EDLiFE

16. **Proposed Amendments to NAC Chapter 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction: fee, term of validity; delay of expiration date by Superintendent; endorsement; renewal.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.073. This regulation will allow all educators licensed in chapter 391 to apply for a retiree license. This regulation updates the length of this license with conforming language to ensure all licenses are aligned to 3, 5, or 6 years.
    - Jeff Briske, Director, EDLiFE

17. **Proposed Amendments to NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement.**
(Information/Discussion). The Commission will consider a regulation to update NAC 391.057. This regulation will create another pathway allowing educators who hold an Alternative Route License to change endorsement areas. This also delineates that two years of full-time employment is required to convert to an initial license.
    - Jeff Briske, Director, EDLiFE

18. **Future Agenda Items**
    - Workshops and Public Hearings

19. **Public Comment #2**
Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, November 19, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:00 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – a regulation relating to tests of competency required for initial license; exemptions; failure to comply. The Commission will consider a regulation to update NAC 391.036. This regulation will comply with Assembly Bill 286 by allowing a candidate for licensure to take a course of study before or after not passing the Praxis Core basic exams in lieu of these exams. The Commission may approve or not approve moving this item to a Public Hearing.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, November 14, 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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: November 4, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – a regulation relating to tests of competency required for initial licensure; exemptions; failure to comply.

I, Victor Wakefield, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R100-25

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

AUTHORITY: §§ 1-2, NRS 391.019 and 391.032.

A REGULATION relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) Under existing law, such regulations must: (1) provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State; (2) require the Superintendent of Public Instruction to issue a provisional license to teach if the applicant is otherwise qualified for the license and satisfies the requirements for conditional licensure through an alternative route to licensure; and (3) require a teacher, to be eligible to teach in a field of specialization, to obtain from the Department of Education an endorsement in that field of specialization. (NRS 391.019, 391.032) Existing regulations outline the requirements for obtaining an alternative provisional license to teach. (NAC 391.057) **Section 1** of this regulation requires, if the holder of an alternative provisional license who is enrolled in a program for an alternative route to licensure is reassigned to a teaching position outside of the endorsement area for which he or she was issued an alternative provisional license, that the qualified provider of the program accept the holder into the program for the endorsement area required for the new teaching position within 15 days after the reassignment. **Section 1** additionally: (1) requires the holder to apply for a new alternative provisional license within 30 days after being reassigned; and (2) sets forth certain requirements that an applicant must satisfy to receive such a license. **Section 1** authorizes the holder to teach within the area of endorsement of the new position while the application for a new alternative provisional license is pending. **Section 1** further requires a person who receives a

new alternative provisional license under such circumstances to complete any new examination requirements resulting from the issuance of the new license before the expiration of the license.

Existing regulations set forth certain requirements that must be satisfied for an alternative provisional license to be converted to an initial license, including the completion of at least 2 full school years. (NAC 391.057) **Section 2** of this regulation requires the holder who is seeking such a conversion to have completed at least 2 full school years in a full-time teaching position.

Section 2 also updates the name of the Office of Educator Development, Educator Licensure, and Parental Involvement and Family Engagement within the Department.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto a new section to read as follows:

1. If the holder of an alternative provisional license issued pursuant to NAC 391.057 is reassigned to a teaching position outside of the endorsement area for which he or she was issued the alternative provisional license, and the holder requires a different endorsement to teach in the new position, the qualified provider of the program for an alternative route to licensure in which the holder is enrolled must, not later than 15 days after the reassignment, accept the holder into the program for the endorsement area required for the new teaching position.

2. The holder of an alternative provisional license described in subsection 1 shall, not later than 30 days after the reassignment to a new teaching position, apply for a new alternative provisional license pursuant to NAC 391.057. The holder must:

(a) Include, with his or her application, proof of acceptance into the program for the endorsement area required for the new teaching position pursuant to subsection 1; and

(b) Pay the fee required by NAC 391.045.

3. A person may receive a new alternative provisional license pursuant to this section:

(a) Not more than once; and

(b) Only if not more than 1 year has elapsed since the initial issuance to the person of an alternative provisional license pursuant to NAC 391.057.

4. The Superintendent of Public Instruction shall issue a new alternative provisional license to an applicant who satisfies the requirements of subsections 2 and 3 and NAC 391.057. Immediately upon issuing such a license, the Superintendent of Public Instruction shall revoke the alternative provisional license the applicant was previously issued pursuant to NAC 391.057. The new alternative provisional license is valid for the same length of time as an initial alternative provisional license issued pursuant to NAC 391.057.

5. A holder of an alternative provisional license described in subsection 1 who applies for a new alternative provisional license pursuant to this section may teach within the area of endorsement of the new teaching position while the application for a new alternative provisional license is pending.

6. The employer of an applicant who applies for a new alternative provisional license pursuant to subsection 2 shall reimburse the applicant for the cost of the fee required by NAC 391.045.

7. The holder of a new alternative provisional license issued pursuant to this section shall complete any new examination requirements imposed as a result of the issuance of the new alternative provisional license before the expiration of the license.

Sec. 2. NAC 391.057 is hereby amended to read as follows:

391.057 1. The Superintendent of Public Instruction shall issue an alternative provisional license to teach pupils enrolled in a program of early childhood education, in kindergarten and

grades 1 to 12, inclusive, or in special education to a person who submits an application which is accompanied by proof satisfactory to the Superintendent of Public Instruction that the applicant:

(a) Holds a bachelor's degree from a postsecondary institution that is regionally accredited;

(b) Has been accepted by a qualified provider for enrollment in a program for an alternative route to licensure; and

(c) Complies with the instructional and training policies and procedures of the qualified provider.

2. An alternative provisional license issued pursuant to this section:

(a) Authorizes the holder of the license to teach in a county school district, a charter school or a university school for profoundly gifted pupils;

(b) Becomes valid on the date on which the holder of the license satisfies all the requirements of subsection 1;

(c) Except as otherwise provided in subsection 3, is valid for not more than 3 years;

(d) Is not renewable; and

(e) May be converted to an initial license after the completion of at least 2 full school years ***in a full-time teaching position,*** if the licensee has:

(1) Received at least one evaluation rating designating the overall performance of the licensee as highly effective or effective during each such school year;

(2) Completed all academic requirements prescribed by this chapter for the issuance of an initial license;

(3) Submitted proof satisfactory to the Superintendent of Public Instruction that the licensee passed the competency testing required by subparagraphs (1) and (2) of paragraph (a) of subsection 1 of NAC 391.036; and

(4) Submitted proof satisfactory to the Superintendent of Public Instruction that the licensee:

(I) Passed the competency testing required by subparagraph (3) of paragraph (a) of subsection 1 of NAC 391.036; or

(II) If the licensee holds a secondary alternative provisional license, holds a bachelor's degree or more advanced degree with a major in the area of endorsement on the license.

3. If the holder of an alternative provisional license issued pursuant to this section withdraws from or is no longer enrolled in a program for an alternative route to licensure, the qualified provider of the program in which the holder was enrolled must, not later than 15 days after the holder withdraws or otherwise ceases to be enrolled, notify the Office of Educator ***Development, Educator*** Licensure ~~[of]~~ ***, and Parental Involvement and Family Engagement within*** the Department of the name and license number of the holder, the date on which the holder withdrew or otherwise ceased to be enrolled in the program and the reason that the holder withdrew or ceased to be enrolled. The alternative provisional license of the holder automatically becomes invalid immediately upon the receipt of such notification by the Office of Educator ***Development, Educator*** Licensure ~~[.]~~ ***, and Parental Involvement and Family Engagement.***

4. The holder of an alternative provisional license that has become invalid pursuant to subsection 3 may apply to the Office of Educator ***Development, Educator*** Licensure ~~[of]~~ ***, and***

Parental Involvement and Family Engagement within the Department for the reinstatement of the license within 1 year after the issuance of the initial license if the holder:

(a) Is accepted by the same program provider in another area; or

(b) Is accepted by another program provider for an alternative route to licensure offered by a qualified provider and pays the fee required by NAC 391.045.

➥ An alternative provisional license may be reinstated pursuant to this section only once.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R100-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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 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/commission-on-professional-standards.

3. **The number of persons who:**
   a. Attended Workshop (**0**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R100-25 occurred during Workshop or Hearing.

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/commission-onprofessional-standards/2025-commission-on-professional-standards-in-education-meetingmaterials.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on February 18, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

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 OF 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

January 16, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R100-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:05 A.M.** on **Wednesday, February 18, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding repeal of regulations pertaining to Chapter 391.XXX and 391.057 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019 and 391.032.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

    NRS 391.032, the Commission on Professional Standards in Education shall adopt regulations:
    - *Providing for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed **regulation** relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, February 13, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION Thursday, January 15, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **Vice President's Report**
   - Shartriya Collier, Vice President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - November 19, 2025

6. **Educator Preparation Program Approval, NAC 391.461 – Application for approval to become qualified provider; review; conditions of provisional approval; term of validity; renewal; approval to offer program for different area of licensure; annual evaluation, and NAC 391.558 – Procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; fee *(Information/Discussion).*** The Commission will hear a presentation regarding the program approval process and role of the Commission.
    - Dr. Jackie Nygaard, Education Programs Professional (EPP), Office of Educator Development, Licensure and Family Engagement (EDLiFE)

7. **Program approval for Reading Endorsement in NAC 391.285 for Northern Nevada Regional Professional Development Program (NN RPDP) *(Information/Discussion/For possible action).*** The Commission will hear a presentation seeking approval for NN RPDP to provide a program of study for a reading endorsement. The Commission may approve or not approve the program.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:00 A.M.

8. **Public Workshop R109-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.315 – Endorsement to serve as a school psychologist: General qualifications; renewal, NAC 391.316 – Endorsement to serve as a school psychologist: Required areas of study, NAC 391.317 – Endorsement to serve as a school psychologist: Optional areas of study, NAC 391.318 – Endorsement to serve as a school psychologist: Requirements for practicum, and NAC 391.319 – Endorsement to serve as school psychologist: Internship in psychology *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.315 and repeal 391.316-319. This regulation will comply with Assembly Bill 277 allowing a candidate to obtain a provisional license as a school psychologist and additional updates reflecting contemporary practices, standards, and research in school psychology. The Commission may approve or not approve moving this item to a Public Hearing.
    - Dr. Jackie Nygaard, EPP, EDLiFE

9:01 A.M.

9. **Public Workshop R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.060 and 391.073. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Workshop R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement. *(Information/Discussion/For possible action).*** The Commission will consider a regulation to repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Workshop R101-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement to serve as a registered apprentice *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who holds a registered apprentice endorsement cannot apply for an initial license without at least one year of full-time employment in a public school. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Workshop R105-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.276 – Endorsement to serve as a music therapist *(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who serves as a music therapist has minimum degree requirements, expires on the educator's birthday, and other conforming language. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R032-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply, NAC 391.425 - Business and industry endorsement: Qualifications for receipt and first renewal, and NAC 391.13065 - Endorsement to teach automotive service technology: Qualifications; provisional endorsement; credit toward renewal of license** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the requirements for obtaining and renewing a business and industry endorsement; repealing provisions governing an endorsement to teach automotive service technology; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Hearing R033-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.055 – Provisional 1-year licensure or endorsement of person who holds renewable license issued in this State, NAC 391.242 - Endorsements to teach program of bilingual education; provisional endorsement, and NAC 391.059 – Testing or assessment of teacher assigned to program of bilingual education; maintenance of records; annual report** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the issuance of an endorsement or a provisional endorsement to teach pupils enrolled in a program of bilingual education; repealing provisions relating to the requirement for a school district which has a program of bilingual education to administer a language proficiency test or assessment to a teacher assigned to the program; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Hearing R034-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.229 – Endorsements in cultural competency and specialist in cultural competency, NAC 391.237 – Endorsements to teach English language acquisition and development; endorsement as professional teacher of English as second language; endorsement as specialist in English language acquisition and development, NAC 391.323 – Endorsements as specialist or professional specialist in social, emotional and academic development, and NAC 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising licensure requirements to obtain certain endorsements; updating the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:09 A.M.

17. **Public Hearing R035-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.420 – Business and industry endorsement: Program areas for which endorsement may be issued *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions governing the program areas for which a business and industry endorsement may be issued; revising the terminology used to refer to endorsements in social, emotional and academic development; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Hearing R066-24 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Provisional License for Transcripts (*Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring the Superintendent of Public Instruction to issue a provisional license with a transcript provision to an applicant who satisfies certain requirements and is awaiting conferment of a bachelor's degree or a higher degree; and providing other matters properly relating thereto. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

19. **Science of Reading Coursework Approval *(Information/Discussion/For possible Action).*** The Commission will review coursework developed by the Department. The Commission may approve or not approve the coursework.
    - Jeff Briske, Director, EDLiFE
    - Dr. Jackie Nygaard, EPP, EDLiFE

20. **Annual Report *(Information/Discussion/For possible action).*** The Commission will review their annual report as required by NRS 391.028. The Commission may approve or not approve the annual report.
    - Jeff Briske, Director, EDLiFE

21. **Future Agenda Items**
    - Workshops and Public Hearings

22. **Public Comment #2**

    Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

23. **Adjournment**

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, January 15, 2026,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:03 A.M. Workshop R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement. The Commission will consider a regulation to update NAC 391.057. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may approve or not approve moving this item to a Public Hearing.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or viewed in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** Persons wishing to comment upon the proposed action of the Commission may provide in-person testimony, submit written comment to the Commission via email at COPS@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, Carson City, NV 89701 or 2080 East Flamingo Suite 210, Las Vegas, NV 89119**. 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 Commission on or before **Friday, January 9, 2026.**

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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: December 17, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement.

I, Victor Wakefield, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Victor Wakefield
Superintendent of Public Instruction

ADOPTED REGULATION OF THE COMMISSION ON

PROFESSIONAL STANDARDS IN EDUCATION

LCB File No. R102-25

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

AUTHORITY: §§ 1-5, NRS 391.019, as amended by section 2 of Assembly Bill No. 49, chapter 458, Statutes of Nevada 2025, at page 2966.

A REGULATION relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations, including regulations: (1) prescribing the qualifications for licensing teachers and other educational personnel; (2) identifying fields of specialization in teaching which require specialized training; and (3) setting forth the requirements a person must satisfy to qualify for an endorsement in each field of specialization. (NRS 391.019, as amended by section 2 of Assembly Bill No. 49, chapter 458, Statutes of Nevada 2025, at page 2966)

Existing regulations require that to receive an endorsement to provide services to pupils as an occupational therapist in a program of occupational therapy, a person must hold a license as an occupational therapist issued by the Board of Occupational Therapy in this State. (NAC 391.277) **Section 1** of this regulation requires that to receive such an endorsement, a person must also hold a master's degree or higher degree in occupational therapy.

Existing regulations require that to receive an endorsement to provide services to pupils as a physical therapist in a program of physical therapy, a person must hold a license as a physical therapist issued by the Nevada Physical Therapy Board. (NAC 391.279) **Section 2** of this regulation requires that to receive such an endorsement, a person must also hold a doctorate degree in physical therapy.

Existing regulations require that to receive an endorsement to provide services to pupils as an occupational therapy assistant in a program of occupational therapy, a person must hold a license as an occupational therapy assistant issued by the Board of Occupational Therapy in this State. (Section 2 of LCB File No. R123-22) **Section 3** of this regulation requires that to receive

such an endorsement, a person must also hold an associate's degree or higher degree in occupational therapy.

Existing regulations require that to receive an endorsement to provide services to pupils as a physical therapist assistant in a program of physical therapy, a person must hold a license as a physical therapist assistant issued by the Nevada Physical Therapy Board. (Section 3 of LCB File No. R123-22) **Section 4** of this regulation requires that to receive such an endorsement, a person must also hold an associate's degree or higher degree in physical therapy.

Section 1. NAC 391.277 is hereby amended to read as follows:

391.277 1. To receive an endorsement to provide services to pupils as an occupational therapist in a program of occupational therapy, a person must hold ~~[a]~~ ***:***

(a) A license as an occupational therapist issued by the Board of Occupational Therapy in this State ~~[.]~~ ***; and***

(b) A master's degree or higher degree in occupational therapy.

2. A person who holds only a special license with an endorsement to provide services as an occupational therapist is exempt from the requirements of NAC 391.036 and 391.065.

3. Such an endorsement is ~~[not]~~ required to provide services to pupils as an occupational therapist in a program of occupational therapy.

Sec. 2. NAC 391.279 is hereby amended to read as follows:

391.279 1. To receive an endorsement to provide services to pupils as a physical therapist in a program of physical therapy, a person must hold ~~[a]~~ ***:***

(a) A license as a physical therapist issued by the Nevada Physical Therapy Board ~~[.]~~ ***; and***

(b) A doctorate degree in physical therapy.

2. A person who holds only a special license with an endorsement to provide services as a physical therapist is exempt from the requirements of NAC 391.036 and 391.065.

3. Such an endorsement is ~~[not]~~ required to provide services to pupils as a physical therapist in a program of physical therapy.

Sec. 3. Section 2 of LCB File No. R123-22 is hereby amended to read as follows:

Sec. 2. 1. To receive an endorsement to provide services to pupils as an occupational therapy assistant in a program of occupational therapy, a person must hold ~~[a]~~ ***:***

(a) A license as an occupational therapy assistant issued by the Board of Occupational Therapy in this State ~~[.]~~ ***; and***

(b) An associate's degree or higher degree in occupational therapy.

2. A person who holds only a special license with an endorsement to provide services as an occupational therapy assistant is exempt from the requirements of NAC 391.036 and 391.065.

3. Such an endorsement is ~~[not]~~ required to provide services to pupils as an occupational therapy assistant in a program of occupational therapy.

Sec. 4. Section 3 of LCB File No. R123-22 is hereby amended to read as follows:

Sec. 3. 1. To receive an endorsement to provide services to pupils as a physical therapist assistant in a program of physical therapy, a person must hold ~~[a]~~ ***:***

(a) A license as a physical therapist assistant issued by the Nevada Physical Therapy Board ~~[.]~~ ***; and***

(b) An associate's degree or higher degree in physical therapy.

2. A person who holds only a special license with an endorsement to provide services as a physical therapist assistant is exempt from the requirements of NAC 391.036 and 391.065.

3. Such an endorsement is ~~[not]~~ required to provide services to pupils as a physical therapist assistant in a program of physical therapy.

Sec. 5. This regulation is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

Notwithstanding the amendatory provisions of this regulation, a person who is employed pursuant to NAC 391.277, NAC 391.279, section 2 of LCB File No. R123-22 or section 3 of LCB File No. R123-22, as applicable, may continue his or her employment without obtaining the applicable endorsement if the person:

1. Is employed at a public school on or before the date on which this regulation is filed with the Secretary of State; and

2. Maintains continuous employment at the public school after the date on which this regulation is filed with the Secretary of State.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

Southern Nevada Office
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

Legislative Review of Adopted Regulations per NRS 233B.066

Informational Statement Form for LCB File R102-25, Adopted by the Commission on Professional Standards in Education

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 391:

1. **A clear and concise explanation of the need for the adopted regulation:**
   The Commission on Professional Standards is tasked with adopting regulations prescribing the qualifications for licensing teachers and educational personnel and setting forth the educational requirements a person must satisfy in order to qualify for an endorsement in a field of specialization. The Commission on Professional Standards engages with the field and legislation to ensure that these requirements are modern, rigorous, and responsive. This regulation reflects these efforts.

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. 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.

3. **The number of persons who:**
   a. Attended Workshop (**1**) and Hearing (**0**)
   b. Testified at Workshop (**0**) and Hearing (**0**)
   c. 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 specific to R102-25 occurred during Workshop or Hearing.

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. Please see section 2 for further information regarding posting and solicitation of feedback / comments.

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 Commission on Professional Standards adopted the proposed regulation at the public hearing held on February 18, 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.

NEVADA DEPARTMENT OF EDUCATION
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, February 18, 2026
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - January 15, 2026

6. **Presentation from University of Nevada, Las Vegas (*Information/Discussion)*.** The Commission will hear a presentation from University of Nevada, Las Vegas regarding how competency-based learning is incorporated into their educator preparation programs.
    - Dr. Kenny Varner, Associate Dean, College of Education, University of Nevada, Las Vegas
    - Dr. Sarah Vach, Director of Strategic Analytics and Assessment, University of Nevada, Las Vegas

7. **Course of Study Approval for the Science of Reading SB460 Sections 39 and 56.2 *(Information/Discussion/For possible action).*** The Commission will hear a presentation for a microcredential course of study approval designed by the Department to satisfy the components of SB460 Sections 39 and 56.2. The Commission may approve or not approve this course of study.
    - Carrie Boehlecke, Education Programs Professional, Office of Educator Development, Licensure and Family Engagement (EDLiFE)
    - Heather Crabtree, Management Analyst, EDLiFE

9:00 A.M.

8. **Public Hearing R038-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.146 – "Exception" defined, NAC 391.148 – Applicability of provisions, NAC 391.150 – Submission of lists: List of teachers and teaching assignments; list of teachers teaching outside area of endorsement, NAC 391.152 – Request for exception: Submission; form and contents; objection, NAC 391.154 Request for exception: Action by Superintendent of Public Instruction, NAC 391.156 – Period of exception; extension of period, and NAC 391.158 – Limitation on teaching of courses related to area of endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; removing certain duplicative reporting requirements of school districts; repealing regulations related to requests for exceptions for teachers teaching outside their area of endorsement; and providing other matters properly relating thereto. This regulation will repeal these regulations as they are duplicative of NRS 385A.220-230 and no longer needed. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:01 A.M

9. **Public Hearing R040-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.367 – Qualifications for teaching adapted physical education to pupils who have disabilities *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising the educational requirements for a person to receive an endorsement to teach adapted physical education to pupils with disabilities in certain settings; and providing other matters properly relating thereto. This regulation will create another pathway for a candidate from out of state to obtain an Adaptive PE license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

10. **Public Hearing R067-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of licenses and endorsements and NAC 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction; fee; term of validity; delay of expiration date by Superintendent; endorsement; renewal *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising provisions relating to the qualifications for and the expiration of certain licenses issued by the Department of Education; and providing other matters properly relating thereto. This regulation will align all licenses to 3, 5, and 6 years as well as allow all educators licensed in chapter 391 to obtain a retiree license. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

11. **Public Hearing R068-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising requirements for the voluntary surrender of an endorsement; and providing other matters properly relating thereto. This regulation will allow an educator to request removal of an endorsement from their license without a notary. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

12. **Public Hearing R098-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to education; revising provisions exempting certain applicants for licensure as a teacher or other educational personnel from the requirement to pass a competency test in basic reading, writing and mathematics; and providing other matters properly relating thereto. This regulation will allow a candidate to take certain approved coursework in lieu of the Praxis Core Basic Examinations. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

13. **Public Hearing R100-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement *(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; requiring qualified providers of a program for an alternative route to licensure to accept certain holders of an alternative provisional license who have been reassigned to a new teaching position into the program for the endorsement area required for the new position; requiring such holders to apply for a new alternative provisional license; providing for the issuance of a new alternative provisional license under such circumstances; and providing other matters properly relating thereto. This regulation will allow for an additional pathway for educators to change endorsement areas. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

14. **Public Hearing R102-25 to Solicit Comments on Proposed Amendments NAC Chapter 391.277 – Endorsement to teach occupational therapy, NAC 391.279 – Endorsement to teach physical therapy, and NAC 391.XXX** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services. The Commission may adopt or not adopt this regulation.
    - Jeff Briske, Director, EDLiFE

9:07 A.M.

15. **Public Workshop R013-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Science of Reading Course** ***(Information/Discussion/For possible action).*** The Commission will consider draft regulation language to address the Science of Reading course of study requirements for initial preparation programs and licensure renewal per Senate Bill 460 Sec. 39 and 41.5. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:08 A.M.

16. **Public Workshop R014-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391.136 – Endorsement in mathematics and science: Conditions for substitution of course work** ***(Information/Discussion/For possible action).*** The Commission will consider repealing this regulation as the provisions for adding by exam are already included in regulation R119-22. The Commission may approve or not approve moving this item to a Public Hearing.

9:09 A.M.

17. **Public Workshop R015-26 to Solicit Comments on Proposed Amendments to NAC Chapter 391, Regulation 011-24 – Interim Route to Certification, Special Education Endorsements** ***(Information/Discussion/For possible action).*** The Commission will consider amending R011-24 to remove the 2-year requirement and 2 effective evaluations in section 1, paragraph 7 to convert an IRC indorsement to an initial endorsement as the endorsement holders may complete their coursework in less than 2 years. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:10 A.M.

18. **Public Workshop R039-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX – Endorsement name changes or removal and pathway to transition to another endorsement** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to allow the Superintendent of Public Instruction to update by name or remove an endorsement and provide a pathway to transition to another endorsement when an endorsement no longer exists. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:11 A.M.

19. Public Workshop R115-25 to Solicit Comments on Proposed Amendments to NAC Chapter 391.391 – Endorsement to teach pupils in program of orientation and mobility ***(Information/Discussion/For possible action)*****.** The Commission will consider a regulation to ensure a person must hold an endorsement to teach pupils in a program of orientation and mobility and to ensure a person must hold an endorsement to teach pupils in a program of alternative education. Transitory language for providers already employed will be provided. The Commission may approve or not approve moving this item to a Public Hearing.

- Jeff Briske, Director, EDLiFE

20. Future Agenda Items

- Workshops and Public Hearings

21. Public Comment #2

Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

22. Adjournment

Joe Lombardo
Governor

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 OF 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

January 16, 2026
Notice of Intent to Act Upon a Regulation
Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R102-25

The Commission on Professional Standards in Education will hold a public hearing **at 9:06 A.M.** on **Wednesday, February 18, 2026** via livestream and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the hearing is to receive comments from all interested persons regarding repeal of regulations pertaining to Chapter 391.XXX, 391.277, and 391.279 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statue (NRS) 391.019.

The following information is provided pursuant to the requirements of Nevada Revised Statute (NRS) 233B.0603:

1. **The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
    - *Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses.*

2. **Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation relating to educational personnel; revising certain qualifications to receive an endorsement to provide services to pupils as an occupational therapist and occupational therapy assistant; revising certain qualifications to receive an endorsement to provide services to pupils as a physical therapist and physical therapist assistant; and providing other matters properly relating thereto. This regulation will ensure minimum degree requirements and require persons to hold an endorsement to provide occupational and physical therapy services.

3. The revised text of the proposed regulation is attached to this notice.

4. **Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.

5. **Methods used by the agency in determining the impact on a small business:** Small business 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 governmental agencies:** There is no duplication or overlap of regulations of state or local government agencies.

8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.

9. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.

10. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulation does not establish a new fee or increase an existing fee.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the Commission on Professional Standards in Education webpage, by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4317 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in- person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Commission on or before **Friday, February 13, 2026.** A record of all submitted comments will be retained, and the Commission will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for the Commission on Professional Standards in Education, posted on the Commission on Professional Standards in Education webpage, Nevada's Public Notice webpage, the Nevada State Legislature's Administrative Regulations notices webpage, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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
COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION
Wednesday, November 19, 2025
9:00 A.M.

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Suite 114
Department of Education	101 N. Carson St.	Carson City	Old Assembly Room
Department of Education	YouTube Stream w/Captions	n/a	Link

PUBLIC NOTICE

The public is hereby noticed that the Commission on Professional Standards in 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, as well as prior to each Workshop. A time limit of three minutes will be imposed by the Commission president 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 to the Commission. The Commission president 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 accommodation or assistance at the meeting. Please contact Geri Mendiola at (702) 668-4317 or COPS@doe.nv.gov at least five business days in advance so that arrangements can be made. The support materials to this agenda are available at no charge on the NDE website at: Commission on Professional Standards in Education Meeting Materials Website (under the meeting date referenced above) or by contacting Geri Mendiola at the Department of Education, 2080 E. Flamingo Road, Suite 210, Las Vegas, Nevada 89119, via phone at (702) 688-4308, or by email at COPS@doe.nv.gov. This public notice has been posted at the offices of the Nevada Department of Education 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.

AGENDA

1. **Call to Order; Roll Call; Pledge of Allegiance**

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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Commission's jurisdiction, control, or advisory power.

3. **President's Report**
   - Amy Rozar, President

4. **Secretary's Report**
   - Jeff Briske, Secretary

5. **Approval of Minutes *(Information/Discussion/For possible action)***
   - October 22, 2025

6. **Commission Meeting Schedule for 2026.** ***(Information/Discussion/For possible action).*** The Commission will consider setting the 2026 meeting schedule. The Commission may approve or not approve the 2026 meeting schedule.
    - Amy Rozar, President

9:00 A.M.

7. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.036 – Tests of competency required for initial license; exemptions; failure to comply.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.036. This regulation will comply with Assembly Bill 286 by allowing a candidate for licensure to take a course of study before or after not passing the Praxis Core basic exams in lieu of these exams. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:01 A.M.

8. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.XXX, 391.170 – License or Endorsement as a professional administrator of school; endorsement as a professional administrator of program, and NAC 391.171 – Conditional endorsement as a professional administrator of school: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement; requirements to apply for unconditional endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to comply with Senate Bill 81 creating a pathway for already licensed educators to obtain a school or program administrator endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:02 A.M.

9. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.215 – Endorsement to teach art, 391.270 – Endorsement to teach music, 391.280 – Endorsement to teach physical education, and 391.281 – Endorsement to teach physical education and health, and 391.096 – Qualifications for elementary and middle school physical education license; authorized employment.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.270, 391.280, 391.281, and repeal 391.096. This regulation will comply with Senate Bill 400 requiring that educators who teach music or art have an endorsement in music or art to be employed in certain districts and schools. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:03 A.M.

10. **Public Workshop to Solicit Comments on Proposed Amendments NAC Chapter 391.063 – Voluntary surrender and reinstatement of license or endorsement.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update NAC 391.063. This regulation will remove the requirement of a notarized statement of surrender of an endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:04 A.M.

11. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.223 – Endorsement to provide audiological services; exception.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an audiologist in a public school holds an audiologist endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:05 A.M.

12. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.277 – Endorsement to provide services as an Occupational Therapist, 391.279 – Endorsement to provide services as a Physical Therapist, 391.XXX Endorsements to provide services as an Occupational or Physical Therapist Assistant.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to ensure that a person who provides services as an occupational or physical therapist or a person who provides services as an occupational or physical therapist assistant in a public school holds a corresponding endorsement. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

9:06 A.M.

13. **Public Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.060 – Expiration of Licenses and Endorsements.** ***(Information/Discussion/For possible action).*** The Commission will consider a regulation to update the length of a license keeping the 3-year provisional, 5-year standard, 6-year professional, and eliminating the specialist and doctorate extended licenses. The Commission may approve or not approve moving this item to a Public Hearing.
    - Jeff Briske, Director, EDLiFE

14. **Presentation from Great Basin College (*Information/Discussion)*.** The Commission will hear a presentation from Great Basin College regarding how competency-based learning is incorporated into their educator preparation programs.
    - Denise Padilla, Elementary Education Program Supervisor
    - Brian Zeiszler, Secondary Education Program Supervisor

15. **Proposed Amendments to NAC Chapter 391.XXX – Apprentice License.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.XXX. This regulation will ensure that the holder of an Apprentice license cannot convert the license to an initial license until at least one year of teaching in a public school.
    - Jeff Briske, Director, EDLiFE

16. **Proposed Amendments to NAC Chapter 391.073 – Renewal of license: Requirements for persons who are retired and hold a valid license issued by Superintendent of Public Instruction: fee, term of validity; delay of expiration date by Superintendent; endorsement; renewal.** ***(Information/Discussion).*** The Commission will consider a regulation to update NAC 391.073. This regulation will allow all educators licensed in chapter 391 to apply for a retiree license. This regulation updates the length of this license with conforming language to ensure all licenses are aligned to 3, 5, or 6 years.
    - Jeff Briske, Director, EDLiFE

17. **Proposed Amendments to NAC Chapter 391.057 – Provisional licensure: Qualifications; authorized employment; term of validity; automatic invalidity; reinstatement.**
(Information/Discussion). The Commission will consider a regulation to update NAC 391.057. This regulation will create another pathway allowing educators who hold an Alternative Route License to change endorsement areas. This also delineates that two years of full-time employment is required to convert to an initial license.
    - Jeff Briske, Director, EDLiFE

18. **Future Agenda Items**
    - Workshops and Public Hearings

19. **Public Comment #2**
Public comment will be taken during this agenda item on any matter within the Commission's jurisdiction, control, or advisory power. 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 President of the Commission on Professional Standards in Education will impose a time limit of three minutes.

20. **Adjournment**

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction



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

STATE OF 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 Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, November 19, 2025,** via Livestream Link and at the following locations: **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:05 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.277 – Endorsement to provide services as an Occupational Therapist, 391.279 – Endorsement to provide services as a Physical Therapist, 391.XXX Endorsements to provide services as an Occupational or Physical Therapist Assistant. The Commission will consider a regulation to ensure that a person who provides services as an occupational or physical therapist or a person who provides services as an occupational or physical therapist assistant in a public school holds a corresponding endorsement. The Commission may approve or not approve moving this item to a Public Hearing.

A copy of all materials relating to the proposal may be obtained at the workshop, on the Meeting Materials page, by contacting the Nevada Department of Education, via email at geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Old Assembly Room, Nevada State Capital, 101 N. Carson Steet, Carson City, NV 89701 and Nevada Department of Education, 2080 East Flamingo Road, Suite 114, Las Vegas, NV 89119.** 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 COPS@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, Room 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 **Friday, November 14, 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://www.leg.state.nv.us/App/Notice/A/, 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.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public Instruction

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

STATE OF 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

SMALL BUSINESS IMPACT STATEMENT PURSUANT TO NRS 233B.0608

DATE: November 4, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.277 – Endorsement to provide services as an Occupational Therapist, 391.279 – Endorsement to provide services as a Physical Therapist, 391.XXX Endorsements to provide services as an Occupational or Physical Therapist Assistant.

I, Victor Wakefield, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

2. A concerted effort was made to determine any economic burden.

3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.

4. Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

Dr. Victor Wakefield
Superintendent of Public Instruction

R107-25

ADOPTED REGULATION OF THE

STATE BOARD OF PHARMACY

LCB File No. R107-25

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

AUTHORITY: § 1, NRS 453.146 and 639.070.

A REGULATION relating to controlled substances; revising the list of substances contained in schedule I; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Pharmacy to adopt regulations to add, delete or reschedule substances listed as controlled substances in schedules I, II, III, IV and V of the Uniform Controlled Substances Act. (NRS 453.146) Existing regulations set forth the drugs and substances that are enumerated in schedule I. (NAC 453.510) This regulation revises the list of drugs and substances contained in schedule I to include Dipentylone and certain fentanyl-related substances.

Section 1. NAC 453.510 is hereby amended to read as follows:

453.510 1. Schedule I consists of the drugs and other substances listed in this section by whatever official, common, usual, chemical or trade name designated.

2. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including, without limitation, their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

Acetylmethadol;

Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide) (some trade or other names: acryloylfentanyl);

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, commonly referred to as levo-alpha-acetylmethadol, levomethadyl acetate or "LAAM");

Alphameprodine;

Alphamethadol;

Alpha'-methyl butyryl fentanyl (2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);

Alphamethylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

Benzethidine;

Betacetylmethadol;

Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

Beta-hydroxythiofentanyl (trade or other names: N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide; N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);

Betameprodine;

Beta-methylacetyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)acetamide);

Betamethadol;

Betaprodine;

Butyryl fentanyl (trade or other names: N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide; N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);

Clonitazene;

Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);

Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

2',5'-dimethoxyfentanyl (N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide);

Dimethylthiambutene;

Dioxaphetyl butyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxeridine;

Eutylone (bk-EBDB, 1-(1,3-Benzodioxol-5-yl)-2-(ethylamino)butan-1-one, b-keto-ethylbenzodioxolylbutanamine);

Fentanyl carbamate (Ethyl-(1-phenethylpiperidin-4-yl)(phenyl)carbamate);

Fluoro furanyl fentanyl;

Fluoroacryl fentanyl;

Fluorobutyryl fentanyl;

Fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);

Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide);

3-Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide);

Furethidine;

Hydroxypethidine;

Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);

Isotonitazene;

Isovaleryl fentanyl (3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);

Ketobemidone;

Levomoramide;

Levophenacylmorphan;

Meta-fluorofentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide);

Meta-fluorofuranyl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

Meta-fluoroisobutyryl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide);

Methoxyacetyl fentanyl;

Methyl acetyl fentanyl;

2-Methyl-AP-237 (some trade or other names: 1-(2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl)-1-butanone; 2-MAP);

Methyl methoxyacetyl fentanyl (some trade or other names: 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl));

Methylfentanyl;

Methylthiofentanyl;

Morpheridine;

MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

Noracymethadol;

Norlevorphanol;

Normethadone;

N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (2'-fluoro ortho-fluorofentanyl; 2'-fluro 2'-fluorofentanyl);

Norpipanone;

Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide;

Ortho-chlorofentanyl (N-(2-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide);

Ortho-fluorofuranyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

Ortho-methylcyclopropyl fentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);

Para-chlorofentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide);

Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);

Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

Para-fluoro valeryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide);

Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide);

Para-methoxyfuranyl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide);

Para-methylcyclopropyl fentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide);

PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

Phenadoxone;

Phenampromide;

Phenomorphan;

Phenoperidine;

Phenyl fentanyl (some trade or other names: benzoyl fentanyl);

Phenylpropanoyl fentanyl;

Piritramide;

Proheptazine;

Properidine;

Propiram;

Racemoramide;

Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);

Tetrahydrothiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrothiophene-2-carboxamide);

Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

Thiofuranyl fentanyl (some trade or other names: thiophene fentanyl);

Tianeptine;

Tilidine;

Trimeperidine; or

Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).

3. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;

Acetyl fentanyl;

Acetyldihydrocodeine;

Benzylmorphine;

Codeine methylbromide;

Codeine-N-Oxide;

Cyprenorphine;

Desomorphine;

Dihydromorphine;

Drotebanol;

Etorphine (except hydrochloride salt);

Heroin;

Hydromorphinol;

Methyldesorphine;

Methyldihydromorphine;

Morphine methylbromide;

Morphine methylsulfonate;

Morphine-N-Oxide;

Myrophine;

Nicocodeine;

Nicomorphine;

Normorphine;

Pholcodine; or

Thebacon.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

ADB-BUTINACA (some trade or other names: N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide);

ADB-4en-PINACA (some trade or other names: N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide);

Adinazolam (some trade or other names: 8-chloro-1-((dimethylamino)methyl)-6-phenyl-4H-s-triazolo(4,3-a)(1,4)benzodiazepine; adinazolamum; Deracyn);

Alpha-ethyltryptamine (some trade or other names: ET, Trip);

Alpha-methyltryptamine (some trade or other names: AMT);

Alpha-PiHP (some trade or other names: 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one);

Bromazolam (some trade or other names: 8-bromo-1-methyl-6-phenyl-4H[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; XLI-268);

1,4-Butanediol (some trade or other names: 1,4-butyleneglycol, dihydroxybutane, tetramethylene glycol, butane 1,4-diol, SomatoPro, Soma Solutions, Zen);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);

4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: Nexus, 2C-B);

1-Butyl-3-(1-naphthoyl)indole-7173 (some trade or other names: JWH-073);

2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (some trade or other names: 2C-C);

4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine (some trade or other names: Etizolam);

Clonazolam (some trade or other names: 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; clonitrazolam);

CUMYL-PEGACLONE (some trade or other names: SGT-151; 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one; 2,5-dihydro-2-(1-methyl-1-phenylethyl)-5-pentyl-1H-pyrido[4,3-b]indol-1-one);

1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (some trade or other names: SR-18; BTM-8; RCS-8);

Diclazepam (some trade or other names: 7-chloro-5-(2-chlorophenyl)-1,3-dihydro-1-methyl-2H-1,4-benzodiazepin-2-one; 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-dihydro-2H-benzo[e][1,4]diazepin-2-one; 2'-chlorodiazepam; Chlorodiazepam; Ro 5-3448);

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

2,5-dimethoxy-4-ethylamphet-amine (some trade or other names: DOET);

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (some trade or other names: 2C-E);

2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (some trade or other names: 2C-D);

2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (some trade or other names: 2C-N);

2,5-Dimethoxy-N-(2-methoxybenzyl) phenethylamine (NBOMe) and any derivative thereof (some trade or other names: 2C-X-NBOMe; N-benzylated phenethylamines; N-o-methoxybenzyl analogs; NBOMe; 25H-NBOMe; 25B-NBOMe; 25C-NBOMe; 25D-NBOMe; 25E-NBOMe; 25I-NBOMe; 25N-NBOMe; 25P-NBOMe; 25T2-NBOMe; 25T4-NBOMe; 25T7-NBOMe);

2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (some trade or other names: 2C-P);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (some trade or other names: 2C-T-7);

2-(2,5-Dimethoxyphenyl)ethanamine (some trade or other names: 2C-H);

3-[(2-Dimethylamino)ethyl]-1H-indol-4-yl acetate (some trade or other names: 4-acetoxy-N, N-dimethyltryptamine;4-AcO-DMT; psilacetin; O-acetylpsilocin; 4-acetoxy-DMT);

5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7297 (some trade or other names: CP-47,497);

5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol-7298 (some trade or other names: cannabicyclohexanol; CP-47,497 C8 homologue);

Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (some trade or other names: 5F-EDMB-PINACA);

4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone (some trade or other names: (4-ethyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone; JWH-210);

2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (some trade or other names: 2C-T-2);

5F-EDMB-PICA (some trade or other names: 5F-EDMB-2201; Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate; N-[[1-(5-fluoropentyl)-1H-indol-3-yl]carbonyl]-3-methyl-L-valine, ethyl ester);

4F-MDMB-BUTICA (some trade or other names: 4F-MDMB-BICA; Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate; N-[[1-(4-fluorobutyl)-1H-indol-3-yl]carbonyl]-3-methyl-L-valine, methyl);

Flualprazolam (some trade or other names: 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine; 8-chloro-6-(2-fluoro-phenyl)-1-methyl-4h-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine; 2'-fluoro alprazolam; ortho-fluoro alprazolam);

Flubromazepam (some trade or other names: 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; 7-Bromo-5-(2-fluorophenyl)-1H-benzo[e][1,4]diazepin-2(3H)-one; 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one);

Flubromazolam (some trade or other names: 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-(1,2,4)triazolo(4,3-a)(1,4)benzodiazepine);

Flunitrazolam (some trade or other names: 6-(2-fluorophenyl)-1-methyl-8-nitro-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine);

(1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (some trade or other names: FUB-144);

2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Some trade or other names: FUB-AMB; MMB-FUBINACA);

[1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (some trade or other names: THJ-2201; 5-fluoro THJ 018; AM2201 indazole analog; fluorpentyl JWH-018 indazole);

[1-(5-fluoropentyl)-1H-indol-3-yl]-1-naphthalenyl-methanone (some trade or other names: 1-(5-fluoropentyl)-3-(1-naphthoyl)indole; AM-2201);

[1-(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophyenyl)-methanone (some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole; AM-694);

(1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (some trade or other names: XLR-11);

1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (some trade or other names: 5F-CUMYL-PINACA; SGT-25);

1-(5-fluoropentyl)-N-(tricyclo[3.3.1.13,7]dec-1-yl)-1H-indazole-3-carboxamide (some trade or other names: N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide; APINACA 5-fluoropentyl analog; 5F-AKB48; 5-Fluoro-AKB48; 5F-APINACA; 5-Fluoro-APINACA);

1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (some trade or other names: 1-(5-fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester; 5-Fluoro-PB-22; 5F-PB-22);

Flutoprazepam (some trade or other names: 7-chloro-1-(cyclopropylmethyl)-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one);

2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (some trade or other names: 2C-I);

2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (some trade or other names: 2C-T-4);

1-hexyl-3-(1-naphthoyl)indole (some trade or other names: JWH-019);

MDMB-4en-PINACA (some trade or other names: Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate);

Meclonazepam (some trade or other names: (3S)-5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one; Ro 11-3128);

Methoxetamine (some trade or other names: MXE; 2-(3-methoxyphenyl)-2-(ethylamino)cyclohexanone);

3-MMC (some trade or other names: 3-methylmethcathinone; 2-(methylamino)-1-(3-methylphenyl)propan-1-one);

4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; para-methoxyamphetamine; PMA);

(4-methoxy-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone (some trade or other names: JWH-081);

5-methoxy-3,4-methylenedioxyamphetamine (some trade or other names: MMDA);

5-methoxy-N, N-diisopropyltryptamine (some trade or other names: 5-meO-DIPT);

4-methyl-2,5-dimethoxyamphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; “DOM”; “STP”);

(4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone (some trade or other names: JWH-122);

Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (some trade or other names: 5F-ADB; 5F-MDMB-PINACA);

Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (some trade or other names: 5F-MDMB-PICA);

Methylenedioxyamphetamine (some trade or other names: MDA);

Methylenedioxymethamphetamine (MDMA);

Methylenedioxy-N-ethylamphetamine (commonly referred to as N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);

MMB-FUBICA ester (some trade or other names: Methyl 2-(1-(4-fluorobenzyl)-1H-indole-3-carboxamido)-3-methyl butanoate; N-[[1-[(4-fluorophenyl)methyl]-1H-indol-3-yl]carbonyl]-L-valine, methyl ester);

1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole-7200 (some trade or other names: JWH-200);

N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (some trade or other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-fluorobenzyl);

N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (some trade or other names: 1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indazole-3-carboxamide; APINACA; AKB48);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (trade or other names: ADB-CHMINACA; MAB-CHMINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (trade or other name: ADB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (some trade or other names: AB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (trade or other name: AB-FUBINACA);

N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (trade or other name: AB-CHMINACA);

N-hydroxy-3,4-methylenedioxyamphetamine (commonly referred to as N-hydroxy-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-hydroxy MDA);

2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (some trade or other names: 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone; 1-pentyl-3-(2-methoxyphenylacetyl)indole; JWH-250);

Nifoxipam (some trade or other names: 5-(2-fluorophenyl)-1,3-dihydro-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one; 1,3-Dihydro-5-(2-fluorophenyl)-3-hydroxy-7-nitro-2H-1,4-benzodiazepin-2-one; 3-hydroxydesmethylflunitrazepam; DP 370);

Nitrazolam (some trade or other names: 1-methyl-8-nitro-6-phenyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine);

Norflurazepam (some trade or other names: 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; nor-Flurazepam; N-Desalkylflurazepam; Desalkylflurazepam; Ro 5-3367);

1-Pentyl-3-(2-chlorophenylacetyl)indole (some trade or other names: JWH-203);

1-Pentyl-3-(4-cholor-1-naphthoyl)indole (some trade or other names: JWH-398);

1-Pentyl-3-[(4-methoxy)-benzoyl]indole (some trade or other names: SR-19; BTM-4; RCS-4);

1-Pentyl-3-(1-naphthoyl)indole-7118 (some trade or other names: JWH-018; AM678);

(1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (some trade or other names: UR-144);

1-pentyl-N-(tricyclo[3.3.1.$1^{3,7}$]dec-1-yl-1H-indole-3 carboxamide (some trade or other names: APICA; JWH-018 adamantyl carboxamide; 2NE1; SDB-001);

1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (some trade or other names: 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester; PB-22; QUPIC);

Phenazepam (some trade or other names: 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one; 7-bromo-5-(2-chlorophenyl)-1,2-dihydro-3H-1,4-benzodiazepin-2-one; BD 98; Fenazepam; Elzepam; Phezipam; Phenorelaxan; Phenzitat);

Pyrazolam (some trade or other names: 8-bromo-1-methyl-6-(2-pyridinyl)-4H-(1,2,4)triazolo(4,3-a)(1,4)benzodiazepine; 8-bromo-1-methyl-6-(pyridin-2-yl)-4H-benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine; Pirazolam);

3,4,5-trimethoxyamphetamine;

Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethyl-aminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);

Diethyltryptamine (some trade or other names: DET; N,N-Diethyltryptamine);

Dimethyltryptamine (some trade or other names: DMT; N,N-DMT; N,N-Dimethyltryptamine);

Fluorophenylpiperazine (some trade or other names: FPP, pFPP, 2-fluorophenylpiperazine, 3-fluorophenylpiperazine, 4-fluorophenylpiperazine);

Gamma butyrolactone (some trade or other names: GBL, Gamma Buty Lactone, 4-butyrolactone, dihydro-2(3H)-furanone, tetrahydro-2-furanone, Gamma G, GH Gold);

Gamma hydroxy butyric acid (some trade or other names: GHB);

Ibogaine (some trade or other names: 7-ethyl-6, 6 beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; *Tabernanthe iboga*);

Lysergic acid diethylamide;

Marijuana;

Mescaline;

Methoxyphenylpiperazine (some trade or other names: MeOPP, pMPP, 4-MPP, 2-MeOPP, 3-MeOPP, 4-MeOPP);

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl);

Peyote (meaning all parts of the plant presently classified botanically as *Lophophora williamsii Lemaire*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts);

N-benzylpiperazine (some trade or other names: BZP, 1-benzylpiperazine);

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocin;

Salvinorin A (some trade or other names: Divinorin A; Methyl (2S,4aR,6aR,7R,9S,10aS,10bR)-9-(acetyloxy)-2-(furan-3-yl)-6a,10b-dimethyl-4,10-dioxododecahydro-2H-benzo[f]isochromene-7-carboxylate);

Ethylamine analog of phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE);

Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP);

1-(1-(2-thienyl)-cyclohexyl)-pyrrolidine (some trade or other names: TCPy);

Thiophene analog of phencyclidine (some trade or other names: 1-(1-(2-thienyl)-cyclohexyl)-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP); or

Trifluoromethylphenylpiperazine (some trade or other names: 1-(3-trifluoromethylphenyl)piperazine; 3-trifluoromethylphenylpiperazine; TFMPP).

For the purposes of this subsection, "isomer" includes, without limitation, the optical, position or geometric isomer.

5. All parts of the plant presently classified botanically as *Datura*, whether growing or not, the seeds thereof, any extract from any part of such plant or plants, and every compound, manufacture, salt derivative, mixture or preparation of such plant or plants, its seeds or extracts, unless substances consistent with those found in such plants are present in formulations that the Food and Drug Administration of the United States Department of Health and Human Services has approved for distribution.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of phencyclidine, mecloqualone or methaqualone having a depressant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation.

7. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including, without limitation, their salts, isomers and salts of isomers:

Alpha-PBP (some trade or other names: 1-phenyl-2-(pyrrolidin-1-yl)butan-1-one, alpha-pyrrolidinobutiophenone);

Alpha-PVP (some trade or other names: 1-phenyl-2-(1-pyrrolidinyl)-1-pentanone, alpha-pyrrolidinopentiophenone, alpha-pyrrolidinovalerophenone, O-2387);

Alpha-pyrrolidinoheptaphenone (some trade or other names: PV8);

Alpha-pyrrolidinohexanophenone (some trade or other names: alpha-PHP);

Aminorex;

Butylone (some trade or other names: 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one, β-keto-N-methylbenzodioxolylpropylamine, bk-MBDB);

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; norephedrone);

4-chloro-alpha-pyrrolidinovalerophenone (some trade or other names: 4-chloro-a-PVP);

Dimethylone (some trade or other names: 3,4-methylenedioxy-N,Ndimethylcathinone; N,N-dimethyl MDCATH; N,N-dimethyl-3,4- methylenedioxycathinone; N,N-dimethyl-β-keto-3,4-methylenedioxyamphetamine; 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)propan-1-one; bk-MDDMA);

Dipentylone (some trade or other names: 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)pentan-1-one and N,N-dimethylpentylone);

N-ethylhexedrone;

Ethylone (some trade or other names: N-ethyl-3,4-methylenedioxycathinone; 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)propan-1-one; MDEC; bk-MDEA);

N-ethylpentylone (1-(1,3-benzodioxol-5-yl)-2-ethylamino)-pentan-1-one) (some trade or other names: ephylone);

Ethylphenidate (some trade or other names: ethyl 2-phenyl-2-(piperidin-2-yl)acetate);

Fenethylline;

Fluoroamphetamine (some trade or other names: 2-fluoroamphetamine, 3-fluoroamphetamine, 4-fluoroamphetamine, 2-FA, 3-FA, 4-FA, PFA);

Fluoromethcathinone (some trade or other names: 4-Fluoro-N-methylcathinone, 1-(4-fluorophenyl)-2-(methylamino)propan-1-one, 4-Fluoromethcathinone (Flephedrone), 4-FMC, 3-Fluoro-N-methylcathinone, 1-(3-fluorophenyl)-2-2(methylamino)propan-1-one, 3-Fluoromethcathinone, 3-FMC, 2-Fluoro-N-methylcathinone, 1-(2-fluorophenyl)-2-(methylamino)propan-1-one, 2-FMC);

Mephedrone (some trade or other names: Methylmethcathinone, 4-Methylmethcathinone, 4-MMC, 4-Methylephedrone);

Methamphetamine;

Methcathinone (some trade or other names: N-Methylcathinone, cat);

Methedrone (some trade or other names: Methoxymethcathinone, 4-Methoxymethcathinone, bk-PMMA, methoxyphedrine);

4-methyl-alpha-ethylaminopentiophenone (some trade or other names: 4-MEAP);

4'-methyl-alpha-pyrrolidinohexiophenone (some trade or other names: MPHP);

4-methyl-alpha-pyrrolidinopropiophenone (some trade or other names: 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)-propan-1-one, 4-MePPP);

(±)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Methylenedioxypyrovalerone (some trade or other names: 3,4-Methylenedioxypyrovalerone, MDPV);

Methylethcathinone (some trade or other names: 2-(ethylamino)-1-(4-methylphenyl)propan-1-one, 4-MEC, 4-methyl-N-ethylcathinone);

Methylone (some trade or other names: Methylenedioxy-N-methylcathinone, Methylenedioxymethcathinone, 3,4-Methylenedioxy-N-methylcathinone, bk-MDMA);

N,N-dimethylamphetamine (commonly referred to as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);

N-ethylamphetamine;

Naphyrone (some trade or other names: 1-(naphthalen-2-yl)-2(pyrrolidin-1-yl)pentan-1-one, naphthylpyrovalerone, naphpyrovalerone, NRG-1, O-2482);

Pentedrone (some trade or other names: 2-(methylamino)-1-phenylpentan-1-one, α-methylaminovalerophenone); or

Pentylone (trade or other names: 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one; beta-keto-methylbenzodioxolylpentanamine; bk-MBDP; bk-methyl-K).

8. Unless specifically listed in another schedule, coca leaves, cocaine base or free base, or a salt, compound, derivative, isomer or preparation thereof which is chemically equivalent or identical to such substances, and any quantity of material, compound, mixture or preparation which contains coca leaves, cocaine base or cocaine free base or its isomers or any of the salts of cocaine, except decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

9. Unless specifically listed in another schedule, Tetrahydrocannabinols (natural or synthetic equivalents of substances contained in the plant, or in the resinous extractives of Cannabis, sp. or

synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

Delta 9 cis or trans tetrahydrocannabinol, and their optical isomers, also known as Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;

Delta 8 cis or trans tetrahydrocannabinol, and their optical isomers, also known as Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers;

Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers;

Tetrahydrocannabinols contained in the genus Cannabis or in the resinous extractives of the genus Cannabis;

Synthetic equivalents of tetrahydrocannabinol substances or synthetic substances, derivatives and their isomers with a similar chemical structure; and

Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered).

10. Unless specifically listed in another schedule and except as otherwise provided in subsection 11, any material, compound, mixture or preparation which contains any quantity of CBD (natural or synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis sp. or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity).

11. A drug product which:

(a) Has been approved by the United States Food and Drug Administration;

(b) Contains CBD derived from any plant in the genus Cannabis or the resinous extractives thereof; and

(c) Contains not more than 0.1 percent residual THC by weight,

➥ is not a controlled substance.

R107-25
March 19, 2026

INFORMATIONAL STATEMENT

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

The proposed amendment to NAC 453.510 will add dipentylone and seven fentanyl related substances to the controlled substances listed in Schedule I in conformity with federal regulations of the Uniform Controlled Substances Act.

2. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

The Board further provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

3. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

The number of persons who attended the hearing was: 95
The number of persons who testified at the hearing was: -0-
The number of agency submitted statements was: -0-
The name of persons who testified at the hearing: -0-

4. 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.

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

Furthermore, the Board provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

5. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

This regulation meets the requirements and received an unanimous vote by the Nevada State Board of Pharmacy board members to adopt the proposed regulation with no change.

6. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The drugs proposed for addition to the Schedule I controlled substances category have a high potential for abuse and no accepted medical use. By placing these drugs into the Schedule I category in NAC 453, Nevada will be in conformance with the federal Controlled Substances Act, which will benefit the health, safety and welfare of the regulated entities and the public.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

Both the immediate and long-term economic effects on regulated entities and on the public will be beneficial since the drugs proposed for addition to the Schedule I controlled substances category have a high potential for abuse and no accepted medical use. By placing these drugs into the Schedule I category in NAC 453, Nevada will be in conformance with the federal Controlled Substances Act, which will benefit the health, safety and welfare of the regulated entities and the public.

7. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

8. 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.

The proposed regulation will add dipentylone and seven fentanyl related substances to the controlled substances listed in Schedule I to conform with and duplicate the controlled substances listed in Schedule I of the Controlled Substances Act (CSA). The CSA places all substances which were in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance's medical use, potential for abuse, and safety or dependence liability. Dipentylone and the seven fentanyl related substances were added to the Schedule I list of the CSA on August 8, 2025 and September 18, 2025, respectively. The seven fentanyl related substances are:

1. **para-chlorofentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),**
2. **ortho-chlorofentanyl (N-(2-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),**
3. **meta-fluorofuranyl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide),**
4. **ortho-methylcyclopropyl fentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide),**
5. **beta-methylacetyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)acetamide),**
6. **tetrahydrothiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrothiophene-2-carboxamide),**
7. **para-fluoro valeryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide).**

NRS 453.211 requires the Board to maintain a list of current schedules and NRS 453.2182 requires the Board, if a substance is designated, rescheduled or deleted as a controlled substance pursuant to federal law to similarly treat the substance pursuant to the provisions of NRS 453.011 to 453.552,

The purpose of the Uniform Controlled Substances Act is to align state-level regulation with the CSA to create a consistent, uniform structure for drug laws across different states that mirror federal legislation. Additionally, it ensures that state laws are consistent with federal law to prevent conflicts and ensure consistent enforcement. The proposed regulation is necessary to carry out the intent of the Uniform Controlled Substances Act and to ensure Nevada's Schedule I controlled substance list is in-line with the CSA so that enforcement as it relates to these drugs in Nevada is consistent with federal law.

9. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The regulation does not contain provisions which are more stringent than a federal regulation which regulates the same activity.

10. 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 a new or increase of fees.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608

LCB File No. R107-25

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

The proposed amendment to NAC 453.510 will add dipentylone and seven fentanyl related substances to the controlled substances listed in Schedule I in conformity with federal regulations of the Uniform Controlled Substances Act.

The Board, through its executive staff and legal counsel, have carefully examined the proposed amendment and have determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

The Board solicited comment on the proposed amendment by (1) posting notice, with links to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

Furthermore, the Board also provided time for public comment at the workshop(s) concerning the proposed amendment. The Board received no public response.

Parties interested in obtaining a copy of the summary of the comments solicited should contact Board Coordination at teamBC@pharmacy.nv.gov or call Darlene Nases at (775) 850-1440 ext. 120.

2. The manner in which the analysis was conducted.

Board Staff analyzed the regulation to determine whether it could perceive a direct and significant economic burden on pharmacies, which are the businesses most likely to be affected by the regulation. It also analyzed whether the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, but received none.

3. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(a) Both adverse and beneficial effects; and

There should be no adverse economic impact from this regulation amendment on the regulated entities or on the public. The regulation amendment will have a beneficial effect on the regulated entities and on the public since the drugs proposed for addition to the Schedule I controlled substances category have a high potential for abuse and no accepted medical use. By placing these drugs into the Schedule I category in NAC 453, Nevada will be in conformance with the federal Controlled Substances Act, which will benefit the health, safety and welfare of the regulated entities and the public.

(b) Both direct and indirect effects.

Both the direct and indirect economic effects on regulated entities and on the public will be beneficial since the drugs proposed for addition to the Schedule I controlled substances category have a high potential for abuse and no accepted medical use. By placing these drugs into the Schedule I category in NAC 453, Nevada will be in conformance with the federal Controlled Substances Act, which will benefit the health, safety and welfare of the regulated entities and the public.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

The Board anticipates no significant adverse economic impact from R107-25 on legitimate Nevada businesses, so no alternative methods of regulation are deemed necessary.

5. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no additional or special costs incurred by the Board of Pharmacy for enforcement of this regulation amendment.

6. If the proposed 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 a new or increase of fees.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulation will add dipentylone and seven fentanyl related substances to the controlled substances listed in Schedule I to conform with and duplicate the controlled substances listed in Schedule I of the Controlled Substances Act (CSA). The CSA places all substances which were in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance's medical use, potential for abuse, and safety or dependence liability. Dipentylone and the seven fentanyl related

substances were added to the Schedule I list of the CSA on August 8, 2025 and September 18, 2025, respectively. The seven fentanyl related substances are:

1. **para-chlorofentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),**
2. **ortho-chlorofentanyl (N-(2-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide),**
3. **meta-fluorofuranyl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide),**
4. **ortho-methylcyclopropyl fentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide),**
5. **beta-methylacetyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)acetamide),**
6. **tetrahydrothiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrothiophene-2-carboxamide),**
7. **para-fluoro valeryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide).**

NRS 453.211 requires the Board to maintain a list of current schedules and NRS 453.2182 requires the Board, if a substance is designated, rescheduled or deleted as a controlled substance pursuant to federal law to similarly treat the substance pursuant to the provisions of NRS 453.011 to 453.552,

The purpose of the Uniform Controlled Substances Act is to align state-level regulation with the CSA to create a consistent, uniform structure for drug laws across different states that mirror federal legislation. Additionally, it ensures that state laws are consistent with federal law to prevent conflicts and ensure consistent enforcement. The proposed regulation is necessary to carry out the intent of the Uniform Controlled Substances Act and to ensure Nevada's Schedule I controlled substance list is in-line with the CSA so that enforcement as it relates to these drugs in Nevada is consistent with federal law.

8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small businesses. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Board Staff solicited public and industry comment as described in Question #1 above to inform its analysis, and received none.

9. The methods used by the agency in determining the impact of the regulation on small business and the reasons for the agency's conclusions.

The Board, through it executive staff and legal counsel, carefully examined the regulation and determined that it is not likely to (1) "impose a direct and significant economic burden upon small business," or (2) "[d]irectly restrict the formation, operation or expansion of small businesses."

In reaching that conclusion, the Board solicited comment on the regulation by (1) posting notice, with a link to the full text of the proposed amendment, to the LCB Administrative Regulation Notices webpage, (2) posting a copy of the full text of the proposed changes to the Board's website as part of the Board Hearing materials, (3) posting notice to the Nevada Public Notice website, operated by the Department of Administration, with a link back to a full text of the proposed amendment on the Board's website, and (4) posting notices and agendas in numerous public locations per NRS Chapter 233B.

In its analysis of the regulation, the Board did not perceive, and found no evidence of, a direct and significant economic burden on small business. It also found no evidence that the proposed regulation would restrict the formation, operation or expansion of such small businesses. Absent any evidence, the Board concluded that no such impacts are likely to exist.

I hereby certify that to the best of my knowledge or belief a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in the statement was prepared properly and is accurate.



J. David Wuest, R.Ph.
Executive Secretary
Nevada State Board of Pharmacy

2026

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

APRIL 28, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.067:		
LCB NO.	**NAC**	**AGENCY/ SUBJECT**
2026 REGULATIONS		
R021-26	**644A**	**STATE BOARD OF COSMETOLOGY** A REGULATION revising various provisions relating to the practice of cosmetology **CONTACT Janie Huggins (702) 850-2423** **janie@nvcosmo.com**

R021-26

ADOPTED REGULATION OF THE

STATE BOARD OF COSMETOLOGY

LCB File No. R021-26

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

AUTHORITY: § 1, NRS 644A.275; § 2, NRS 644A.275 and 644A.420; § 3, NRS 644A.275, 644A.280 and 644A.535; § 4, NRS 644A.275 and 644A.535; § 5, NRS 644A.275 and 644A.625; § 6, NRS 644A.275, 644A.280 and 644A.700; §§ 7-11, NRS 644A.275 and 644A.740; §§ 12 and 13, NRS 644A.275 and 644A.280; § 14, NRS 644A.275 and 644A.850; § 15, NRS 644A.275, 644A.535 and 644A.850.

A REGULATION relating to cosmetology; setting forth requirements for certain areas in cosmetological establishments and schools of cosmetology; revising continuing education requirements for instructors; revising provisions governing the training provided to apprentices; revising provisions relating to cosmetological establishments and schools of cosmetology; revising the schedule of fines collected by the State Board of Cosmetology; revising provisions governing disciplinary action for certain licensees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Cosmetology to adopt reasonable regulations for the conduct of cosmetological establishments and schools of cosmetology. (NRS 644A.275) **Section 1** of this regulation requires that: (1) all areas in which a laser or an intense pulsed light device is used in a cosmetological establishment or school of cosmetology be maintained free from safety hazards and contain appropriate signage indicating the use of the device; and (2) the walls, floors, ceilings, furnishings and fixtures in such areas be fully enclosed and not constructed of reflective materials.

Existing law requires an instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology to complete, during each 2-year period of his or her license, at least the number of hours of continuing education required for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. (NRS 644A.420) Existing regulations set forth the manner in which credit for the hours of continuing education may be received. (NAC 644A.260) **Section 2** of this regulation: (1) specifies that the minimum number of continuing education hours required by existing law is

not less than 30 hours; and (2) revises the entities which are authorized to offer or sponsor courses in continuing education for which an instructor may receive credit.

Existing law authorizes the Board to adopt regulations relating to the procedures and subject matter that must be included in the training of an apprentice engaged in learning the occupation of cosmetologist, esthetician, electrologist, hair designer or nail technologist. (NRS 644A.535) Existing regulations require a licensed cosmetologist, hair designer, esthetician, electrologist or nail technologist who is supervising and training an apprentice to provide practical training and technical instruction for specified hours of time in certain subjects. (NAC 644A.325) Existing regulations similarly require each school of cosmetology which provides instruction to prepare students for the examination for electrologists to offer practical training and technical instruction for specified hours in certain subjects. (NAC 644A.637) **Sections 4 and 11** of this regulation revise the training for the apprentices or students, as applicable, to: (1) require theory rather than technical instruction; and (2) make various revisions to the required subjects and related training hours.

Existing law requires a cosmetological establishment, at all times, to be under the immediate supervision of a person licensed in the branch of cosmetology or a combination of branches of cosmetology relating to the services that are provided at that establishment. (NRS 644A.625) Existing regulations require a cosmetological establishment where only estheticians practice or makeup artistry is practiced to be under the immediate supervision of a licensed cosmetologist or licensed esthetician. (NAC 644A.505) **Section 5** of this regulation authorizes a licensed advanced esthetician to immediately supervise such an establishment.

Existing regulations set forth the minimum working equipment required by each school of cosmetology, including requiring certain equipment if the school provides instruction to prepare students for the examination for cosmetologists or for the examination for estheticians. (NAC 644A.603) **Section 6** of this regulation revises the minimum working equipment required by a school that provides such instruction.

Section 3 of this regulation revises certain terminology for consistency with terminology used in **section 6**.

Existing regulations require a school of cosmetology to offer instruction in certain subjects or specify certain subjects that constitute the curriculum, as applicable, for particular branches of cosmetology, including: (1) barbering and cosmetology; (2) hair designing; (3) esthetics; and (4) nail technology. (NAC 644A.630, 644A.632, 644A.634, 644A.636) **Sections 7-10** of this regulation remove the subject of management of a cosmetological establishment from the required subjects or curriculum for those branches.

Existing law authorizes the Board to adopt regulations governing the sanitary conditions to prevent the creating or spreading of infectious or contagious diseases in cosmetological establishments or schools of cosmetology. (NRS 644A.280) Existing regulations require each cosmetological establishment or school of cosmetology to have fully operable toilets accessible to clients and employees. If the restroom for a cosmetological establishment is located outside of the establishment, existing regulations require the restrooms to be within 100 feet of the entrance of, and under the same roof as, the establishment. (NAC 644A.715) **Section 12** of this regulation increases from 100 to 200 the maximum number of feet permitted from the entrance of the establishment to the restroom.

Existing regulations require each cosmetological establishment or school of cosmetology to meet certain sanitary standards. (NAC 644A.730) **Section 13** of this regulation: (1) requires each cosmetological establishment or school of cosmetology to dispose of any nonporous items which are manufactured to be disposed of after a single use or which become soiled or otherwise contaminated after the use or contamination; and (2) prohibits a cosmetological establishment or school of cosmetology from maintaining certain items for private or personal use.

Existing law authorizes the Board to take certain disciplinary action against a licensee or registrant for certain violations of existing law. (NRS 644A.850) Existing regulations establish a schedule of fines for such violations. (NAC 644A.860) **Section 14** of this regulation revises the schedule of fines which the Board may impose for certain violations.

Existing regulations authorize the Board to discipline certain licensees who supervise and train an apprentice for any action or omission for which the apprentice is subject to discipline. (NAC 644A.875) **Section 15** of this regulation revises this provision to authorize the Board to impose the same discipline on an electrologist who supervises and trains an apprentice.

Section 1. Chapter 644A of NAC is hereby amended by adding thereto a new section to read as follows:

In each cosmetological establishment or school of cosmetology:

1. All areas in which a laser or an intense pulsed light device is used must:

(a) Be maintained free from safety hazards; and

(b) Contain appropriate signage indicating the use of the device.

2. All walls, floors, ceilings, furnishings and fixtures in any area described in subsection 1 must:

(a) Be fully enclosed; and

(b) Not be constructed of reflective material.

Sec. 2. NAC 644A.260 is hereby amended to read as follows:

644A.260 1. An ***instructor shall complete, during each 2-year period of his or her license, the hours of continuing education required pursuant to NRS 644A.420, which must be***

not less than 30 hours. The instructor may receive credit for the hours of continuing education ~~[required in each 2-year period pursuant to NRS 644A.420]~~ for:

(a) Hours of continuing education received in courses approved by the Board in any of the following areas:

(1) Science;

(2) Health;

(3) Business;

(4) Technology;

(5) Education or teaching methodology;

(6) Language;

(7) Advanced cosmetology; or

(8) Advanced esthetics;

(b) Hours of instruction received from courses ~~[offered at a university or community college]~~ in the areas specified in paragraph (a) ~~[,]~~ ***offered:***

(1) At a university or community college;

(2) By the Board; or

(3) By an organization that writes textbooks or curriculum within the field of cosmetology;

(c) Hours of instruction received from courses in the areas specified in paragraph (a) that ~~[are]~~ ***have been*** sponsored ~~[by an organization or natural person that has been approved]~~ by the Board;

(d) Hours of instruction received in in-service classes that have been approved by the Board;

(e) Receipt of a certificate of completion for a cardiopulmonary resuscitation or first-aid course that has been approved by the Board; or

(f) For an instructor of advanced esthetics, receipt of a certificate of completion for a laser safety officer training course that has been approved by the Board.

2. A school of cosmetology may conduct in-service classes for the purposes of this section.

3. All hours for credits for continuing education must be properly documented in written format, including, but not limited to, report cards, certificates of completion or letters which verify that the licensee attended the class ***, the date of completion of the class*** and the number of hours earned. If the information documenting the hours taken is not clearly indicated on the documents provided to the Board, the documents will not be accepted. All documents submitted as evidence that the licensee has met the requirements for continuing education must be submitted during the period provided by the Board for the renewal of the license ~~[, together]~~ with the renewal ~~[slip]~~ ***form*** and the required pictures and fees. The falsification of any such documents, or any information contained therein, is a ground for disciplinary action against the licensee.

Sec. 3. NAC 644A.320 is hereby amended to read as follows:

644A.320 1. Before an application for a certificate of registration as a cosmetologist's apprentice, hair designer's apprentice, esthetician's apprentice, electrologist's apprentice or nail technologist's apprentice may be approved by the Board, the owner of the cosmetological establishment where the applicant will be trained must contact the Board and request an oral review to determine whether the cosmetological establishment meets the requirements of this

section. The Board will conduct an on-site inspection of the cosmetological establishment not later than 90 days after the date on which the certificate of registration is issued to the applicant.

2. A cosmetological establishment where a cosmetologist's apprentice will be trained must have available in a designated area for the use of the cosmetologist's apprentice:

(a) One styling chair;

(b) One shampoo bowl;

(c) One handheld blow-dryer and one dryer that is equipped with a chair and a device that releases air onto the client's hair;

(d) One table for administering a manicure;

(e) Supplies for performing a process, that is acceptable to the Board, for the wet and dry disinfecting of instruments used in cosmetology through the use of disinfectants;

(f) Equipment for hot work, consisting of:

(1) An electric heater;

(2) A pressing comb;

(3) A marcel curling iron; and

(4) Petroleum jelly for the protection of the client;

(g) A sufficient amount of equipment and supplies to block, wrap and complete one permanent cold wave, including rollers, rods, end papers and cotton;

(h) Equipment and supplies for tinting, including one bowl, one brush and two bottles for the application of the tint;

(i) Supplies, creams and lotions for performing a facial;

(j) One head of a mannequin;

(k) At least one standard textbook concerning cosmetology, a workbook for the theory of cosmetology and a workbook for the practice of cosmetology;

(l) A copy of the provisions of this chapter and chapter 644A of NRS;

(m) Combs and brushes for the performance of all services requiring combs and brushes;

(n) Tapering shears;

(o) Strips for protecting the neck of the client;

(p) Scissors;

(q) One razor and blade with a guard;

(r) One plastic spray bottle;

(s) Bandages;

(t) Protective gloves;

(u) Instruments for holding rollers in the hair, commonly referred to as "clippies";

(v) Equipment for hot waxing;

(w) Oils and conditioners, consisting of:

(1) Pressing oils;

(2) Scalp conditioners, including at least one conditioner made without a soap base, especially for pressed hair;

(3) Hair conditioners made without a soap base, especially for pressed hair, such as petroleum jelly;

(4) Curling creams made with wax or petroleum jelly; and

(5) Dry, cleaning fluids for pressing hair, such as alcohol;

(x) One heated cap for the treatment of hair;

(y) A covered container for the storage of hairpins, clips, nets and similar items;

(z) One shampoo cape; and

(aa) Supplies for performing manicures and pedicures, including:

(1) Emery boards;

(2) Cream for cuticles;

(3) Base coat;

(4) Top coat;

(5) Nail polish;

(6) A bowl for water;

(7) Supplies for disinfecting instruments used to perform a manicure or pedicure;

(8) Single use instruments or other instruments that can be disinfected professionally for pushing back cuticles; and

(9) Tips, wraps, extensions and sculptured nails.

3. A cosmetological establishment where a hair designer's apprentice will be trained must have available in a designated area for the use of the hair designer's apprentice:

(a) One styling chair;

(b) One shampoo bowl;

(c) One handheld blow-dryer and one dryer that is equipped with a chair and a device that releases air onto the client's hair;

(d) Supplies for performing a process, that is acceptable to the Board, for the wet and dry disinfecting of instruments used in cosmetology through the use of disinfectants;

(e) Equipment for hot work, consisting of:

(1) An electric heater;

(2) A pressing comb;

(3) A marcel curling iron; and

(4) Petroleum jelly for the protection of the client's skin while hot work is being performed;

(f) A sufficient amount of equipment and supplies to block, wrap and complete one permanent cold wave, including rollers, rods, end papers and cotton;

(g) Equipment and supplies for tinting, including one bowl, one brush and two bottles for the application of the tint;

(h) One head of a mannequin;

(i) At least one standard textbook concerning cosmetology, a workbook for the theory of cosmetology and a workbook for the practice of cosmetology;

(j) A copy of the provisions of this chapter and chapter 644A of NRS;

(k) Combs and brushes for the performance of all services requiring combs and brushes;

(l) Tapering shears;

(m) Strips for protecting the neck of the client;

(n) Scissors;

(o) One razor and blade with a guard;

(p) One plastic spray bottle;

(q) Bandages;

(r) Protective gloves;

(s) Instruments for holding rollers in the hair, commonly referred to as "clippies";

(t) Oils and conditioners, consisting of:

(1) Pressing oils;

(2) Scalp conditioners, including at least one conditioner made without a soap base, especially for pressed hair;

(3) Hair conditioners made without a soap base, especially for pressed hair, such as petroleum jelly;

(4) Curling creams made with wax or petroleum jelly; and

(5) Dry, cleaning fluids for pressing hair, such as alcohol;

(u) One heated cap for the treatment of hair;

(v) A covered container for the storage of hairpins, clips, nets and similar items; and

(w) One shampoo cape.

4. A cosmetological establishment where an esthetician's apprentice will be trained must have available in a designated area for the use of the esthetician's apprentice:

(a) One facial chair;

(b) One facial machine designed to perform esthetic procedures within the legal scope of services;

(c) One facial steamer;

(d) One towel warmer;

(e) One waxing unit;

(f) One mannequin;

(g) One tripod or mannequin clamp;

(h) One kit which contains an adequate amount of facial supplies;

(i) An adequate amount of skin care products to allow the apprentice to perform the tasks required by the curriculum; and

(j) An adequate amount of wet disinfectants.

5. A cosmetological establishment where a nail technologist's apprentice will be trained must have available in a designated area for the use of the nail technologist's apprentice:

(a) One manicure table with two chairs;

(b) One pedicure chair with foot ~~[basin;]~~ ***spa;***

(c) One mannequin hand or finger;

(d) One mannequin hand clamp;

(e) One kit which contains an adequate amount of implements and nail care supplies for manicures and pedicures;

(f) An adequate amount of nail care products; and

(g) An adequate amount of wet disinfectants.

6. A cosmetological establishment where an electrologist's apprentice will be trained must have available in a designated area for the use of the electrologist's apprentice:

(a) One high-frequency generator or thermolysis machine, or one galvanic generator or electrolysis machine;

(b) Twelve needles ranging in size from .003 to .008 of an inch;

(c) One complete set of electrodes and connections with each machine;

(d) One stool, adjustable in height, for each apprentice;

(e) One table and one chair per patron;

(f) One utility stand per setup;

(g) One towel cabinet;

(h) One pair of fine pointed epilation forceps;

(i) One set of magnifying glasses;

(j) Covered containers for lotions, creams, ointments, soaps, disinfecting agents and cotton;

(k) Containers in which to immerse needles for disinfection;

(l) A covered container in which items such as instruments and needles may be kept disinfected; and

(m) A covered receptacle for waste.

Sec. 4. NAC 644A.325 is hereby amended to read as follows:

644A.325 A licensed cosmetologist, hair designer, esthetician, electrologist or nail technologist who has been authorized by the Board to supervise and train an apprentice and who is supervising and training an apprentice shall, in addition to the duties specified in NRS 644A.535:

1. Specify, in the daily record of the training of the apprentice, the number of hours spent on each subject and the type of training that was administered;

2. Provide practical training and ~~[technical instruction]~~ ***theory*** in ~~[the subjects and for the hours listed below:]~~ ***each subject set forth in this subsection, and may determine the distribution of hours among those subjects within the required hours for each area of training, as follows:***

(a) For a cosmetologist's apprentice:

(1) ~~[Blow-drying, 160]~~ ***Hair services, 1,340*** hours ~~[;]~~ ***, which must include the following subjects:***

(I) Haircutting;

(II) Hair coloring;

(III) Permanent waving and chemical straightening;

(IV) Scalp treatment;

(V) Hairstyling, finger waving, skipwaving and wet hairdressing;

(VI) Shampooing and rinses;

(VII) Wigs and hairpieces; and

(VIII) Thermal straightening, blow-drying, curling and marcelling;

(2) ~~[Dispensary, 50]~~ ***Nail services, 800*** hours ~~[;]~~ ***, which must include the following subjects:***

(I) Manicures;

(II) Electric files and drills;

(III) Nail enhancements; and

(IV) Pedicures;

(3) ~~[Extensions and wrapping of nails, 40]~~ ***Esthetic services, 800*** hours ~~[;]~~ ***, which must include the following subjects:***

(I) Facials;

(II) Facial machines;

(III) Hair removal;

(IV) Makeup and eyelash application; and

(V) Superficial exfoliation;

(4) ~~[Facials, arching, skin care and makeup, 120 hours;~~

~~(5) Finger waving, 120 hours;~~

~~(6) Hair coloring, 400 hours;~~

~~(7) Haircutting, 450 hours;~~

~~(8) Manicuring, 150 hours;~~

~~(9) Miscellaneous practical and technical instruction, 180 hours;~~

~~(10)]~~ Modeling, 60 hours;

~~[(11)]~~ ***(5)*** The provisions of chapter 644A of NRS and the regulations adopted pursuant thereto, ~~[40]~~ ***100*** hours;

~~[(12) Pedicuring, 50 hours;~~

~~(13) Permanent waving and chemical straightening, 500 hours;~~

~~(14) Receptionist's duties, 50 hours;~~

~~(15) Salon management, 50 hours;~~

~~(16) Scalp treatment, 50 hours;~~

~~(17) Shampooing and rinses, 50 hours;~~

~~(18) Skipwaving, 120 hours;~~

~~(19) Theory, 410 hours;~~

~~(20) Thermal straightening, curling and marcelling, 300 hours;~~

~~(21) Wet hairdressing, 200 hours; and~~

~~(22) Wigs and hairpieces, 50 hours;]~~ ***and***

(6) Infection control and prevention, 100 hours;

(b) For a hair designer's apprentice:

(1) ~~[Blow-drying, 115]~~ ***Hair services, 1,760*** hours ~~[;]~~ ***, which must include the following subjects:***

(I) Haircutting;

(II) Hair coloring;

(III) Permanent waving and chemical straightening;

(IV) Scalp treatment;

(V) Hairstyling, finger waving, skipwaving and wet hairdressing;

(VI) Shampooing and rinses;

(VII) Wigs and hairpieces; and

(VIII) Thermal straightening, blow-drying, curling and marcelling;

(2) ~~[Dispensary, 35 hours;~~

~~(3) Finger waving, 85 hours;~~

~~(4) Hair coloring, 280 hours;~~

~~(5) Haircutting, 420 hours;~~

~~(6) Miscellaneous practical and technical instruction, 130 hours;~~

~~(7)]~~ Modeling, 40 hours;

~~[(8)]~~ ***(3)*** The provisions of chapter 644A of NRS and the regulations adopted pursuant thereto, ~~[30]~~ ***100*** hours;

~~[(9) Permanent waving and chemical straightening, 375 hours;~~

~~(10) Receptionist's duties, 35 hours;~~

~~(11) Salon management, 35 hours;~~

~~(12) Scalp treatment, 35 hours;~~

~~(13) Shampooing and rinses, 35 hours;~~

~~(14) Skipwaving, 85 hours;~~

~~(15) Theory, 290 hours;~~

~~(16) Thermal straightening, curling and marcelling, 200 hours;~~

~~(17) Wet hairdressing, 140 hours; and~~

~~(18) Wigs and hairpieces, 35 hours;~~ ***and***

(4) Infection control and prevention, 100 hours;

(c) For an esthetician's apprentice:

(1) Facials, ~~[400]~~ ***300*** hours;

(2) Facial machines, ~~[500]~~ ***200*** hours;

(3) Hair removal, ~~[400]~~ ***200*** hours;

(4) Infection control and prevention, ~~[40]~~ ***100*** hours;

(5) Makeup and eyelash application, ~~[400]~~ ***200*** hours;

(6) The provisions of chapter 644A of NRS and the regulations adopted pursuant thereto, ~~[30]~~ ***100*** hours; and

(7) ~~[Salon management, 30 hours;]~~ ***Superficial exfoliation, 100 hours;***

(d) For a nail technologist's apprentice:

(1) Infection control and prevention, ~~[40]~~ ***100*** hours;

(2) Nail services, ~~[1,110]~~ ***1,000*** hours ~~[;]~~ ***, which must include the following subjects:***

(I) Manicures;

(II) Electric files and drills;

(III) Nail enhancements; and

(IV) Pedicures; and

(3) The provisions of chapter 644A of NRS and the regulations adopted pursuant thereto, ~~[30]~~ ***100*** hours; and

~~[(4) Salon management, 20 hours; and]~~

(e) For an electrologist's apprentice:

(1) Electrology and thermology, 650 hours ~~[in]~~ ***, which must include*** the following subjects:

(I) Sanitation and sterilization;

(II) Protection of patrons, including draping;

(III) Use of equipment and instruments;

(IV) Insertion of instruments, single and multiple;

(V) Precautionary measures before and after treatment;

(VI) Immediate aftercare;

(VII) Home care;

(VIII) Destruction of the papilla;

(IX) Observation of demonstrations; and

(X) Observation of results of work with at least 60 percent of the hours in this subject spent in performing services on another person;

(2) ~~[Theoretical and practical training, 20 hours in the following subjects:~~

~~(I) Ethics;~~

~~(II) Conduct;~~

~~(III) Courtesy;~~

~~(IV) Telephone etiquette;~~

~~(V) Neatness;~~

~~(VI) Salesmanship; and~~

~~(VII) Professional attitude in meeting the public;~~

~~(3)]~~ Instruction in theory, ~~[250]~~ ***270*** hours ~~[in]~~ ***, which must include*** the following subjects:

(I) Sanitation and sterilization;

(II) Electricity;

(III) Electrology;

(IV) Thermology;

(V) Dermatology;

(VI) Trichology;

(VII) Bacteriology;

(VIII) The peripheral vascular system (capillaries);

(IX) The sensory nervous system (nerve endings); and

(X) ***Ethics; and***

(3) The provisions of chapter 644A of NRS which are pertinent to the practice of electrology ***,*** ~~[; and~~

~~(4) Modeling of electrology and thermology,]~~ 80 hours;

3. Administer monthly tests on the theory and the practice of the subjects specified in subsection 2;

4. Submit monthly reports to the Board, signed by the licensed cosmetologist, hair designer, esthetician, electrologist or nail technologist and by the apprentice, that summarize the apprentice's record of attendance, the training he or she has received during the previous month and his or her scores on any tests administered during the previous month;

5. Ensure that the apprentice wears, at all times that he or she is receiving training or performing work on the public, a clean outer garment that meets the requirements of NAC 644A.770;

6. Ensure that the certificate of registration of the apprentice is in plain view of the public at the position where he or she is being trained and performing work on the public;

7. Limit the training of the apprentice to not more than 40 hours per week, not more than 10 hours per day and not more often than 5 days out of every 7 consecutive days;

8. Not commence training until he or she has ensured that the apprentice has received a certificate of registration from the Board; and

9. Upon completion of the training of the apprentice, submit to the Board a final report that:

(a) Documents that the apprentice completed the number of hours of training required pursuant to NRS 644A.300 and the number of hours spent on each of the subjects specified in subsection 2;

(b) Summarizes the training provided to the apprentice; and

(c) Includes each score sheet completed by the apprentice's supervisor for the apprentice's performance on the practical examination required by the Board.

Sec. 5. NAC 644A.505 is hereby amended to read as follows:

644A.505 The Board will interpret NRS 644A.625 to mean that in a cosmetological establishment where:

1. More than one branch of cosmetology or makeup artistry is practiced, the establishment must at all times be under the immediate supervision of a person or persons licensed in each branch of cosmetology practiced in the establishment at the time of service.

2. Only nail technology is practiced, the establishment must be under the immediate supervision of a licensed cosmetologist or licensed nail technologist.

3. Only electrology is practiced, the establishment must be under the immediate supervision of a licensed electrologist.

4. Only estheticians practice, the establishment must be under the immediate supervision of a licensed cosmetologist ***, licensed advanced esthetician*** or licensed esthetician.

5. Only hair designing is practiced, the establishment must be under the immediate supervision of a licensed cosmetologist or licensed hair designer.

6. Only makeup artistry is practiced, the establishment must be under the immediate supervision of a licensed cosmetologist ***, licensed advanced esthetician*** or licensed esthetician.

7. Only advanced esthetics is practiced, the establishment must be under the immediate supervision of a licensed advanced esthetician.

Sec. 6. NAC 644A.603 is hereby amended to read as follows:

644A.603 Each school must have, at a minimum, the following working equipment:

1. Closed waste containers of sufficient size and in sufficient quantity to permit the disposal of all refuse and waste matter by the school and its students.

2. One device deemed by the Board to be acceptable for use by the students to record their hours of training at the school.

3. One chair and writing surface for each student in classes on theory.

4. Work stations of sufficient number to accommodate the students enrolled.

5. At least one textbook per student in either physical or electronic format and adequate reference material, charts, teaching aids and other materials to support the instruction in the school.

6. Adequate and safe electrical outlets.

7. If the school provides instruction to prepare students for the examination for cosmetologists:

(a) Twenty-five work stations with styling chairs.

(b) Seven shampoo bowls.

(c) Five hair dryers which may be portable or stationary.

(d) Two facial treatment tables.

(e) ***Two facial machines.***

(f) Two waxing units.

(g) Eight nail technology tables with two chairs per table.

(h) One pedicure chair with foot spa.

~~[(f)]~~ ***(i)*** One chair for each student in attendance.

~~[(g)]~~ ***(j)*** One desk or other fixed writing surface for each student in attendance.

~~[(h)]~~ ***(k)*** Two mannequins for each student in attendance.

~~[(i)]~~ ***(l)*** One tripod or mannequin clamp for each student in attendance.

~~[(j)]~~ ***(m)*** One kit for each student in attendance which contains an adequate number of blow dryers, shampoo capes, smocks or aprons, brushes, combs, haircutting implements, esthetic supplies and nail technology supplies.

~~[(k)]~~ ***(n)*** An adequate number of marcelling irons, flat irons and curling irons to allow students to perform the tasks required by the curriculum.

~~[(l)]~~ ***(o)*** An adequate amount of other supplies and instruments to allow students to perform the tasks required by the curriculum.

~~[(m)]~~ ***(p)*** An adequate amount of wet disinfectants.

8. If the school provides instruction to prepare students for the examination for hair designers:

(a) Twenty work stations.

(b) Twenty styling chairs.

(c) Seven shampoo bowls.

(d) Five hair dryers which may be portable or stationary.

(e) One chair for each student in attendance.

(f) One desk or other fixed writing surface for each student in attendance.

(g) Two mannequins for each student in attendance.

(h) One tripod or mannequin clamp for each student in attendance.

(i) One kit for each student in attendance which contains an adequate number of shampoo capes, smocks or aprons, brushes, combs and haircutting implements.

(j) An adequate number of marcelling irons, flat irons and curling irons to allow students to perform the tasks required by the curriculum.

(k) An adequate amount of other supplies and instruments to allow students to perform the tasks required by the curriculum.

(l) An adequate amount of wet disinfectants.

9. If the school provides instruction to prepare students for the examination for estheticians:

(a) Five facial treatment tables.

(b) Five facial machines designed to perform esthetic procedures within the legal scope of services.

(c) Five facial steamers.

(d) Five towel warmers.

(e) Five waxing units.

(f) One chair for each student in attendance.

(g) One desk or other fixed writing surface for each student in attendance.

(h) One mannequin for each student in attendance.

(i) One tripod or mannequin clamp for each student in attendance.

(j) One kit for each student in attendance which contains an adequate amount of facial supplies and implements.

(k) An adequate amount of skin care products to allow students to perform the tasks required by the curriculum.

(l) An adequate amount of wet disinfectants.

(m) One autoclave or sterilizer.

10. If the school provides instruction to prepare students for the examination for nail technologists:

(a) Ten manicure tables with two chairs per table.

(b) Five pedicure chairs with foot ~~[basins.]~~ ***spas.***

(c) One chair for each student in attendance.

(d) One desk or other fixed writing surface for each student in attendance.

(e) An adequate number of mannequin hands or fingers for each student in attendance.

(f) One mannequin hand clamp for each student in attendance.

(g) One kit for each student in attendance which contains an adequate amount of implements and nail care supplies for manicures and pedicures.

(h) An adequate amount of nail care products for each student in attendance.

(i) An adequate amount of wet disinfectants.

11. If the school provides instruction to prepare students for the examination for advanced estheticians:

(a) Five facial machines designed to perform esthetic services.

(b) At least one esthetic medical device of each modality, including, without limitation, a radial shockwave device, cryotherapy device, device that emits radio frequencies, plasma device, intense pulsed light device, ultrasound device and microwave device. The requirements of this paragraph may be satisfied by a device which performs the functions of multiple devices described by this paragraph.

(c) At least two different nonablative lasers which may include, without limitation, a diode laser, a pulsed dye laser, a neodymium:yttrium-aluminum-garnet laser or an alexandrite laser.

(d) Five microneedling machines or pens.

(e) Five facial steamers.

(f) Five towel warmers.

(g) Five waxing units.

(h) Five sterilizers.

(i) One chair for each student in attendance.

(j) One desk or other fixed writing surface for each student in attendance.

(k) One mannequin for each student in attendance.

(l) One tripod or mannequin clamp for each student in attendance.

(m) One kit for each student in attendance which contains an adequate amount of facial supplies and implements.

(n) An adequate amount of skin care products to enable students to perform the tasks required by the curriculum.

(o) An adequate amount of wet disinfectant.

(p) An adequate amount of sharps containers.

(q) An adequate amount of personal protective equipment, including, without limitation, eye protection.

12. If the school provides instruction to prepare students for the examination for electrologists:

(a) One high-frequency generator or thermalysis machine, or one galvanic generator or electrolysis machine.

(b) Twelve needles ranging in size from 0.003 to 0.008 of an inch.

(c) One complete set of electrodes and connections with each machine.

(d) One stool which is adjustable in height.

(e) One table or chair per patron.

(f) One utility stand per setup.

(g) One towel cabinet.

(h) One pair of fine-pointed epilation forceps.

(i) One set of magnifying glasses.

(j) Covered containers for lotions, creams, ointments, soaps, cleaning agents, disinfecting agents and cotton.

(k) Hospital-grade containers in which to immerse equipment for disinfection.

(l) Covered containers for keeping waste items such as instruments and needles clean.

(m) A covered receptacle for waste.

Sec. 7. NAC 644A.630 is hereby amended to read as follows:

644A.630 1. Each school of cosmetology must offer the following subjects for training barbers and students to be cosmetologists:

(a) Chemical hair services.

(b) Cosmetology theory, with a minimum of 10 percent and a maximum of 13 percent of the total hours of training mandatory for all students.

(c) Esthetic services.

(d) Field trips and modeling, with a maximum of 5 percent of the total hours of training optional for all students.

(e) Hair design and care.

(f) Haircutting.

(g) Infection control and prevention, with a minimum of 3 percent of the total hours of training mandatory for all students.

(h) ~~[Management of a cosmetological establishment.~~

~~(i)]~~ Nail technology services.

~~[(j)]~~ ***(i)*** The provisions of this chapter and chapter 644A of NRS, with a minimum of 2 percent of the total hours of training mandatory for all students.

2. A student may, after completing 10 percent of the total hours of training, earn credit for up to 5 percent of the total hours of training by attending field trips that are approved by the school. A field trip must be conducted under the direct supervision of a licensed instructor. The instructor shall accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The student must submit a time record, authenticated by the instructor, for each field trip.

3. As used in this section, "student" means a person receiving instruction in a school of cosmetology.

Sec. 8. NAC 644A.632 is hereby amended to read as follows:

644A.632 1. A school of cosmetology must offer the following subjects for training hair designers:

(a) Chemical hair services.

(b) Field trips and modeling, with a maximum of 5 percent of the total hours of training optional for all students.

(c) Hair design and care.

(d) Hair design theory, with a minimum of 10 percent and a maximum of 13 percent of the total hours of training mandatory for all students.

(e) Haircutting.

(f) Infection control and prevention, with a minimum of 3 percent of the total hours of training mandatory for all students.

(g) ~~[Management of a cosmetological establishment.~~

~~(h)]~~ The provisions of this chapter and chapter 644A of NRS, with a minimum of 2 percent of the total hours of training mandatory for all students.

2. A student may, after completing 10 percent of the total hours of training, earn credit for up to 5 percent of the total hours of training by attending field trips that are approved by the school. A field trip must be conducted under the direct supervision of a licensed instructor. The instructor shall accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The student must submit to the school a time record, authenticated by the instructor, for each field trip.

Sec. 9. NAC 644A.634 is hereby amended to read as follows:

644A.634 1. Each school of cosmetology shall offer the following subjects for training students to be estheticians:

(a) Esthetic theory, with a minimum of 10 percent and a maximum of 13 percent of the total hours of training mandatory for all students.

(b) Facials.

(c) Facial machines and devices.

(d) Field trips and modeling, with a maximum of 5 percent of the total hours of training optional for all students.

(e) Hair removal.

(f) Infection control and prevention, with a minimum of 3 percent of the total hours of training mandatory for all students.

(g) Makeup and eyelash application.

(h) ~~[Management of a cosmetological establishment.~~

~~(i)]~~ The provisions of this chapter and chapter 644A of NRS, with a minimum of 2 percent of the total hours of training mandatory for all students.

~~[(j)]~~ ***(i)*** Superficial exfoliation.

2. A student may, after completing 10 percent of the total hours of training, earn credit for up to 5 percent of the total hours of training by attending field trips that are approved by the school. A field trip must be conducted under the direct supervision of a licensed instructor. The instructor shall accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The student must submit to the school a time record, authenticated by the instructor, for each field trip.

Sec. 10. NAC 644A.636 is hereby amended to read as follows:

644A.636 1. The following subjects constitute the curriculum for nail technologists:

(a) Field trips and modeling, with a maximum of 5 percent of the total hours of training optional for all students.

(b) Infection control and prevention, with a minimum of 3 percent of the total hours of training mandatory for all students.

(c) ~~[Management of a cosmetological establishment.~~

~~(d)]~~ Nail services.

~~[(e)]~~ ***(d)*** Nail theory, with a minimum of 10 percent and a maximum of 13 percent of the total hours of training mandatory for all students.

~~[(f)]~~ ***(e)*** The provisions of this chapter and chapter 644A of NRS, with a minimum of 2 percent of the total hours of training mandatory for all students.

2. A student may, after completing 10 percent of the total hours of training, earn credit for up to 5 percent of the total hours of training by attending field trips that are approved by the school. A field trip must be conducted under the direct supervision of a licensed instructor. The instructor shall accompany the student and be available to provide assistance or instruction to the student at all times during the field trip. The student must submit a time record, authenticated by the instructor, for each field trip.

Sec. 11. NAC 644A.637 is hereby amended to read as follows:

644A.637 Each school of cosmetology which provides instruction to prepare students for the examination for electrologists must offer to its students practical training and ~~[technical instruction]~~ ***theory*** in ~~[the subjects and for the hours shown below:]~~ ***each subject set forth in this section, and may determine the distribution of hours among those subjects within the required hours for each area of training, as follows:***

1. Electrology and thermology, 650 hours ~~[in]~~ ***, which must include*** the following subjects:

(a) Sanitation and sterilization;

(b) Protection of patrons, including draping;

(c) Use of equipment and instruments;

(d) Insertion of instruments, single and multiple;

(e) Precautionary measures before and after treatment;

(f) Immediate aftercare;

(g) Home care;

(h) Destruction of the papilla;

(i) Observation of demonstrations; and

(j) Observation of results of work. (At least 60 percent of the hours in this subject must be spent in performing services on another person.)

2. Theoretical and practical training, 20 hours ~~[in]~~ ***, which must include*** the following subjects:

(a) Ethics;

(b) Conduct;

(c) Courtesy;

(d) Telephone etiquette; and

(e) Salesmanship.

3. Instruction in theory, 250 hours ~~[in]~~ ***, which must include*** the following subjects:

(a) Sanitation and sterilization;

(b) Electricity;

(c) Electrology;

(d) Thermology;

(e) Dermatology;

(f) Trichology;

(g) Bacteriology;

(h) The peripheral vascular system (capillaries);

(i) The sensory nervous system (nerve endings); and

(j) The provisions of chapter 644A of NRS which are pertinent to the practice of electrology.

4. In modeling for electrology and thermology, 80 hours.

Sec. 12. NAC 644A.715 is hereby amended to read as follows:

644A.715 1. Each cosmetological establishment or school of cosmetology must have fully operable toilets which are accessible to clients and employees. Each area in which a toilet is located must have a sink with an adequate and readily available supply of hot and cold running water at all times and a mechanical exhaust system for ventilation which completely circulates the air. If the restrooms for the cosmetological establishment are located outside of the cosmetological establishment, the restrooms must be:

(a) In plain view or clearly marked with appropriate signs, and

(b) Located within ~~[100]~~ ***200*** feet of the entrance of the cosmetological establishment and under the same roof as the cosmetological establishment.

2. The floor covering in each restroom located in a cosmetological establishment or school of cosmetology must be made of a material which is not porous or absorbent.

Sec. 13. NAC 644A.730 is hereby amended to read as follows:

644A.730 In each cosmetological establishment or school of cosmetology:

1. The headrest of each chair must be covered with a clean towel or paper sheet for each client.

2. The part of a shampoo bowl on which a client's neck rests must be covered with a clean towel during each shampoo. The bowls must be carefully washed and be disinfected with a disinfectant that is registered with the United States Environmental Protection Agency, and all loose hair must be removed from the drains after each use.

3. After a towel or linen has been used once, it must be deposited in a receptacle provided for soiled towels and linens, must not be stored in any restroom, and must not be used again until properly laundered. All towels must be washed with detergent on the hot wash cycle and dried until hot to the touch after each use. After being washed, towels must be kept in closed, dust-free cabinets.

4. Sanitary neck strips or towels must be used between the neck of the client and the cape to prevent all coverings from coming into direct contact with the client. Proper draping of towels must be used for all services, except that single-use paper neck strips made specifically for such use may be used for dry services.

5. Treatment tables must be disinfected after each use with a disinfectant.

6. All single-use instruments and supplies, including, without limitation, ***nonporous items which are manufactured to be disposed of after a single use,*** neck strips, nail files and buffers, that come into direct contact with a client ~~[and cannot subsequently be disinfected]~~ ***or otherwise become soiled or contaminated*** must be disposed of in a waste receptacle immediately following their use ~~[.]~~ ***or becoming soiled or contaminated.***

7. All instruments, implements and other nonporous tools, including, without limitation, combs and brushes, used on a client must be maintained in a clean and disinfected condition.

8. All instruments, implements, tools and supplies, including, without limitation, nail files, buffers, combs, brushes, treatment tables and linens, must not be maintained for private or personal use.

Sec. 14. NAC 644A.860 is hereby amended to read as follows:

644A.860 1. The Board adopts the following schedule of fines for any violation of the provisions listed:

Violation	First Offense	Second Offense	Third Offense
COSMETOLOGICAL ESTABLISHMENT			
Operating an establishment without a license	$1,000	$1,500	$2,000
Operating an establishment with an expired license	200	500	1,000
Allowing a licensee to work with an expired license (per person)	200	500	1,000
Failure to display license in place of business	200	500	1,000
Allowing an unlicensed person to work in an establishment	1,000	1,500	2,000
Operating an establishment without supervision by a licensed person	200	500	1,000
Operating an establishment with an animal on the premises	200	500	1,000
Refusal to allow staff of the Board to inspect any licensed			

Violation	First Offense	Second Offense	Third Offense
space	1,000	2,000	5,000
Failure to display a sign pursuant to NRS 644A.615 or NAC 644A.846	100	200	500
Having on the premises or using a cosmetic product in violation of NAC 644A.800	1,000	1,500	2,000
Having on the premises a prohibited device in violation of NAC 644A.805	1,000	1,500	2,000
COSMETOLOGIST OR OTHER LICENSED OR REGISTERED NATURAL PERSON			
Practicing with an expired license or registration	200	500	1,000
Failure to display license or registration at a work station	200	500	1,000
Failure to practice in a cosmetological establishment, except as authorized by the provisions of this chapter	500	1,000	2,000
Failure to comply with NAC 644A.790	200	500	1,000
Using advertisements which contain knowingly false or deceptive statements or otherwise engaging in acts described in ~~[subsection 2 of]~~ NAC 644A.870	100	200	500

Violation	First Offense	Second Offense	Third Offense
For an advanced esthetician, performing a nonablative esthetic medical procedure without the proper supervision of a health care professional	1,000	1,500	2,000
APPRENTICE			
Failure to display a certificate of registration in plain view	100	500	1,000
Failure to wear a badge while working	100	500	1,000
Working on the public without a supervising cosmetologist, hair designer, esthetician, nail technologist or electrologist, as appropriate, present	500	1,000	2,000
SUPERVISOR OF AN APPRENTICE			
Allowing an apprentice to work if his or her certificate of registration is not displayed in plain view	100	500	1,000
Allowing an apprentice to work on the public without being present to supervise the apprentice	500	1,000	2,000
Failure to comply with NAC 644A.330	500	1,000	

Violation	First Offense	Second Offense	Third Offense
MAKEUP ARTIST			
Failure to meet a requirement to engage in the practice of makeup artistry in this State	200	500	1,000
SCHOOL OF COSMETOLOGY			
Failure to comply with NRS 644A.735, subsection 1 of NRS 644A.740, paragraph (b) of subsection 2 of NRS 644A.740 or NAC 644A.603	200	500	1,000
Failure to comply with NRS 644A.715 ***or NAC 644A.615***	100		
Providing instruction in a branch of cosmetology for which the school does not hold the appropriate license issued pursuant to chapter 644A of NRS	1,000	1,500	2,000
Having on the premises or using a cosmetic product in violation of NAC 644A.800	1,000	1,500	2,000
ANY PERSON			
Practicing without a license or certificate	1,000	1,500	2,000
Copying or altering a license or certificate for purposes of fraud,			

Violation	First Offense	Second Offense	Third Offense
deception, misrepresentation or other illegal purpose	200	500	1,000
Using a copied or altered license or certificate for purposes of fraud, deception, misrepresentation or other illegal purpose	1,000	2,000	5,000
Providing instruction in a branch of cosmetology for which the person does not hold the appropriate license issued pursuant to chapter 644A of NRS	1,000	1,500	2,000

2. A licensee who violates a provision of NAC 644A.510, 644A.515 or 644A.705 to 644A.770, inclusive, will be fined $100 for each violation unless, in the judgment of the Executive Director, the violation warrants a disciplinary hearing before the Board.

3. A person who violates a provision of this chapter or chapter 644A of NRS for which this section does not provide a specific fine, including, without limitation, a second or subsequent violation, may be ~~[~~:

~~(a) Ordered]~~ ***ordered*** to appear at a disciplinary hearing before the Board ~~[~~; and

~~(b) Punished]~~ ***and:***

(a) Subject to disciplinary action by the Board as set forth in NRS 644A.850 ~~[.]~~ ***; or***

(b) Imposed an administrative fine in accordance with subsection 4 of NRS 644A.955.

Sec. 15. NAC 644A.875 is hereby amended to read as follows:

644A.875 A licensed cosmetologist, hair designer, esthetician ***, electrologist*** or nail technologist who is supervising and training an apprentice may be subject to discipline by the Board for any action or omission for which the apprentice is subject to discipline by the Board.

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 644A.

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

The proposed regulatory amendments address continuing education, apprenticeship training, supervision requirements, facility and equipment standards, and disciplinary procedures. These revisions are intended to clarify existing regulations, improve consistency, and strengthen public protection. Specifically, the changes will clarify Continuing Education requirements by establishing a clear, fixed CEU requirement for instructor license renewal to eliminate ambiguity and prevent shifting standards that create barriers to timely renewal, streamline apprenticeship curriculum standards by allowing greater flexibility in curriculum categories and increasing hours in categories that impact public safety, expanding the categories of qualified supervisors within establishments, strengthen safety requirements for facilities operating laser devices to better protect the public, modernize equipment standards to ensure students have adequate exposure to certain equipment that poses significant health and sanitation risks to the public, improve disciplinary procedures by refining the licensing and disciplinary functions and structured enforcement framework for violations.

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.

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of cosmetology, any persons who had specifically requested such notice, as well as Chambers of Commerce throughout the State of Nevada. These documents were also made available at the offices of the Nevada State Board of Cosmetology at the following locations:

Nevada State Board of Cosmetology 8945 West Russell Rd, Ste 200, Las Vegas, Nevada 89148
Nevada State Board of Cosmetology 740 Del Monte Lane, Suite 12, Reno, Nevada 89511

Posted online to the Nevada Legislature website: http://leg.state.nv.us/App/Notice/A/
Posted online to the State of Nevada Public Notice website: https://notice.nv.gov
Posted online to the Division's website: https://www.nvcosmo.com/

A workshop was held to solicit public comment on January 28, 2026. There were no comments made during the workshop. The notice of the Public Workshop, which was posted on January 7, 2026, is attached hereto. Thereafter, the Nevada State Board of Cosmetology held a public

hearing on April 13, 2026. There were no comments made during the public hearing. The Notice of Intent to Act Upon a Regulation was posted on March 11, 2026, and is attached hereto.

3. The number of persons who:
(a) Attended each hearing: January 28, 2026 (1), April 13, 2026 (32)
(b) Testified at each hearing: January 28, 2026 (0), April 13, 2026 (0)
(c) Submitted to the agency written comments: January 28, 2026 (0), April 13, 2026 (0)

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3**, as provided to the agency,** is attached as Exhibit A**.**

Any person interested in obtaining a copy of the public response may mail in a request to:

Nevada State Board of Cosmetology
% Compliance Division
8945 W. Russell Road, Suite #200
Las Vegas, NV 89148

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

The Nevada State Board of Cosmetology requested input from small business owners and operators. A survey was sent to each of the Board's licensed businesses, including schools of cosmetology, requesting input as to the projected adverse and beneficial impacts of the proposed regulation changes.

Surveys were sent to all licensed Nevada cosmetology schools and businesses via email. In addition to the open-ended comment section at the end of the survey, business owners/operators were asked whether they anticipated any direct or indirect economic benefits or adverse effects upon their businesses. Survey participants were able to select "yes", "no", or "unknown" as their response.

Board staff reviewed the "yes" responses for businesses that indicated that a regulation change was likely to have a negative impact on their business. Any "yes" response was compared to the open-ended comment response at the end of the survey to determine the specific concerns of the individual business owner/operator.

The survey was sent via Alchemer, an online survey tool. Responses were solicited from December 4, 2025, to December 18, 2025. In total, 45 responses were collected.

Response Summary:
Question 1: Do you anticipate the regulation to have an adverse economic effect on your business?
Yes: 5
No: 22
Unknown:19

Question 2: Do you anticipate the regulation to have beneficial effects on your business?
Yes: 5
No: 21
Unknown: 20

Question 3: Do you anticipate any indirect beneficial effects upon your business?
Yes: 6
No: 18
Unknown: 22

Question 4: Do you anticipate any indirect beneficial effects upon your business?
Yes: 5
No: 18
Unknown: 23

The end of the survey left room for open-ended comments and was intended to provide the small business owner or operator the ability to expand on his/her responses.

Any person interested in obtaining a copy of the summary may mail a request to:

Nevada State Board of Cosmetology
% Compliance Division
8945 W. Russell Road, Suite #200
Las Vegas, NV 89148

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 permanent regulation was adopted during a public meeting held on April 13, 2026, by the Board. It did not include changes as no suggested modifications were received by stakeholders, licensees, or members of the public.

7. The estimated economic effect of the adopted regulation on the businesses which it regulates and on the public. These must be stated separately, and each case must include: (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.

Regulated Businesses:
(a) Both adverse and beneficial effects: The Nevada State Board of Cosmetology estimates a neutral economic effect for businesses based on the statements from small business owners.

(b) Both immediate and long-term effects: The Nevada State Board of Cosmetology estimates no significant immediate or long-term effects on businesses based on the statements from small business owners.

The Nevada State Board of Cosmetology estimates no immediate and long-term economic effects, as well as no adverse and beneficial economic effects for members of the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for the 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.

This regulation does not overlap or duplicate any regulations of other state or local government agencies. This regulation does not overlap or duplicate any 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 no federal regulations that apply.

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.

The regulation does not provide a new fee or an increase of an existing fee.

Exhibit A

STATE OF NEVADA BOARD OF COSMETOLOGY

MEETING DATE: Monday, April 13, 2026 **at 9:00:00 AM**
NVBOC Board Meeting

LOCATION: RENO : Nevada State Board of Cosmetology
740 Del Monte Lane, Suite 12
Reno, Nevada 89511

LAS VEGAS: Nevada State Board of Cosmetology
8945 West Russell Road, Suite 200
Las Vegas, Nevada 89148

PLEASE PRINT CLEARLY

FULL NAME (REQUIRED)	TELEPHONE AND EMAIL (REQUIRED)	ENTITY OR GROUP REPRESENTED AND ADDRESS
Maria Yuliana Marcano Carreras	775 357 2144 Yulianamarcano112@gmail.com	5380 Koala In Sun Valley Nv 89433
Sara Ann	(775) 721-3745 Therefineryrnnden@gmail.	The Refinery Hair & Skin Studio, LLC 1644 Hwy 395 Minden, NV 89423

STATE OF NEVADA BOARD OF COSMETOLOGY

MEETING DATE: Monday, April 13, 2026 **at 9:00:00 AM**
NVBOC Board Meeting

LOCATION: RENO : Nevada State Board of Cosmetology
740 Del Monte Lane, Suite 12
Reno, Nevada 89511

LAS VEGAS: Nevada State Board of Cosmetology
8945 West Russell Road, Suite 200
Las Vegas, Nevada 89148

PLEASE PRINT CLEARLY

FULL NAME (REQUIRED)	TELEPHONE AND EMAIL (REQUIRED)	ENTITY OR GROUP REPRESENTED AND ADDRESS
Patwini Woodman	7259101343	
Mariatu Browne	(702)556-8836	
Fatou Gueye	702 635-4895	
Guadalupe Espinoza	702-708-9317	
Mimi L	(209) 666 4475	

January 28, 2026, Workshop Attendance:

1. Dustin Romero, on behalf of self, no comments made.

April 13, 2026, Adoption Hearing Attendance:

1. Saryii Boone, on behalf of self, no comments made.
2. Asha Jones, on behalf of self, no comments made.
3. Judge Belinda T. Harris, on behalf of self, no comments made.
4. Sommer Skoy, on behalf of self, no comments made.
5. Nicole Lawson, on behalf of self, no comments made.
6. Stacy Howe, on behalf of self, no comments made.
7. Natalie Lima, on behalf of self, no comments made.
8. Loretta Eizaguirre, on behalf of self, no comments made.
9. Taylor Garcia, on behalf of self, no comments made.
10. LaCee Johnson, on behalf of self, no comments made.
11. Jacy Jackson, on behalf of self, no comments made.
12. kayla gatti, on behalf of self, no comments made.
13. Sherita Bursey, on behalf of self, no comments made.
14. Xiomara Valencia, on behalf of self, no comments made.
15. Michael Bui, on behalf of self, no comments made.
16. Beth Villalobos Velázquez, on behalf of self, no comments made.
17. Alease Watson-EL, on behalf of self, no comments made.
18. Maria Marquez, on behalf of self, no comments made.
19. Farrin, on behalf of self, no comments made.
20. Steven Pacitti, on behalf of self, no comments made.
21. Steve Harley, on behalf of self, no comments made.
22. Max Payne, on behalf of self, no comments made.
23. Jasmine, on behalf of self, no comments made.
24. Jonathan D, on behalf of self, no comments made.
25. S Lopez, on behalf of self, no comments made.

**Attendance of participants recorded by Zoom for the Public Hearings

JOE LOMBARDO
Governor

STATE OF NEVADA

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

STEVEN MCDONALD, ESQ., MBA
Executive Director

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF COSMETOLOGY

Nevada State Board of Cosmetology

Notice of Public Workshop for the Adoption of Permanent Regulations of Nevada State Board of Cosmetology

A copy of the proposed regulation language may be downloaded from the Board's Website: https://www.nvcosmo.com/board-meeting-information

Wednesday, January 28, 2026, 9:00 am

This Workshop will be held via remote technology and in-person locations.

In-person locations:

Southern Nevada:

Las Vegas Office Address
8945 West Russell Road, Suite 200
Las Vegas, Nevada 89148

Northern Nevada:

Reno Office Address
740 Del Monte Lane, Suite 12
Reno, Nevada 89511

The Board is pleased to invite individuals to participate remotely using ZOOM. To learn more about Zoom, go to zoom.com.

On the scheduled day and time, from the ZOOM website, click “Join a Meeting” and enter your name and this **Meeting ID: 833 9901 0290**

Join Zoom Meeting
https://us06web.zoom.us/j/83399010290

Meeting ID: 833 9901 0290
+17207072699, 83399010290# US (Denver)
Find your local number: https://us06web.zoom.us/u/kck1haFcFY

If you are unable to attend this meeting but would like to submit written comments to be included in the record, please e-mail your comments to inspection@nvcosmo.com or you may send your comments via USPS mail to The Nevada Board of Cosmetology, 8945 W. Russell Road Suite #200, Las Vegas, NV 89148. Comments may be addressed to Janie Huggins, Chief Compliance Officer.

Your comment must include the following:
i. Full name of person;
ii. Name of entity or organization represented and address (if applicable);
iii. Contact telephone number;
iv. Electronic mail address;

The deadline to submit written comments is Wednesday February 4, 2026, at 5:00 PM PT.

The State of Nevada Board of Cosmetology is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the State of Nevada Board of Cosmetology in writing at 8945 W. Russell Road, Suite 200, Las Vegas, NV 89148, or by calling (702) 508-0015.

The meeting agenda and any supporting documents can be found on the Board's website, www.nvcosmo.com pursuant to NRS 241.020 (11).

STACKED CALENDAR: In accordance with NRS 241, the Board may consider agenda items taken out of order, may combine two or more agenda items for consideration, may remove an item from the agenda or delay discussion relating to an item on the agenda at any time, may continue the meeting as deemed necessary, conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment (NRS 233B.126).

This meeting has been properly noticed and posted at the following locations:

State of Nevada Website: notice.nv.gov.

State of Nevada Board of Cosmetology (Southern Office)

8945 W. Russell Road, Suite #200 Las Vegas, NV 89148

State of Nevada Board of Cosmetology (Northern Office)

740 Del Monte Lane, Suite #12 Reno, NV 89511

Nevada State Board of Cosmetology website www.nvcosmo.com

Agenda

1. **Mission Statement**
    a. The mission of the Nevada State Board of Cosmetology is to protect the public health, safety, and welfare of those that obtain cosmetology-related services through the delivery of quality Testing, Licensing, Inspection, and Education Services that focus on consumer protection.
2. **Comments from the General Public-** ***For discussion only***
    a. The Nevada State Board of Cosmetology will entertain comments from the general public on the proposed language.

    A copy of the proposed regulation language may be downloaded from the Board's Website:
    https://www.nvcosmo.com/board-meeting-information

    Members of the public can call into the meeting to make public comments by dialing 1 720 707 2699 and entering 833 9901 0290 for the meeting ID. Comments are limited to three (3) minutes or less. No discussion or action can be taken during public comment.

3. **Discussion of proposed Regulation changes in NAC 644A-** ***For discussion only***
    a. The workshop is to solicit comments from interested persons on one or more general topics to be addressed in the proposed regulation**.**

    A copy of the proposed regulation language may be downloaded from the Board's Website:
    https://www.nvcosmo.com/board-meeting-information

    Members of the public can call into the meeting to make public comments by dialing 1 720 707 2699 and entering 833 9901 0290 for the meeting ID. Comments are limited to three (3) minutes or less. No discussion or action can be taken during public comment.

4. **Comments from the General Public-** ***For discussion only***
    a. The Nevada State Board of Cosmetology will entertain comments

from the general public on the proposed language.

A copy of the proposed regulation language may be downloaded from the Board's Website:
https://www.nvcosmo.com/board-meeting-information

Members of the public can call into the meeting to make public comments by dialing 1 720 707 2699 and entering 833 9901 0290 for the meeting ID. Comments are limited to three (3) minutes or less. No discussion or action can be taken during public comment.

5. **Adjournment-** ***For possible action***

JOE LOMBARDO
Governor

STATE OF NEVADA

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

STEVEN MCDONALD, ESQ., MBA
Executive Director

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS
NEVADA STATE BOARD OF COSMETOLOGY

Nevada State Board of Cosmetology
Meeting Notice and Agenda

Monday, April 13, 2026, 9:00 am

This meeting will be held via remote technology and in-person locations.

In-person locations:

Southern Nevada:

Las Vegas Office Address
8945 West Russell Road, Suite 200
Las Vegas, Nevada 89148

Northern Nevada:

Reno Office Address
740 Del Monte Lane, Suite 12
Reno, Nevada 89511

The Board is pleased to invite individuals to participate remotely using ZOOM. To learn more about Zoom, go to zoom.com.

On the scheduled day and time, from the ZOOM website, click “Join a Meeting” and enter your name and this **Meeting ID: 831 6970 4793**

Join Zoom Meeting
https://us06web.zoom.us/j/83169704793

Meeting ID: 831 6970 4793
+16694449171,83169704793# US
Find your local number: https://us06web.zoom.us/u/kck1haFcFY

The State of Nevada Board of Cosmetology is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the State of Nevada Board of Cosmetology in writing at 8945 W. Russell Road, Suite 200, Las Vegas, NV 89148, or by calling (702) 508- 0015.

The meeting agenda and any supporting documents can be found on the Board's website, www.nvcosmo.com pursuant to NRS 241.020 (11).

STACKED CALENDAR: In accordance with NRS 241, the Board may consider agenda items taken out of order, may combine two or more agenda items for consideration, may remove an item from the agenda or delay discussion relating to an item on the agenda at any time, may continue the meeting as deemed necessary, conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment (NRS 233B.126).

This meeting has been properly noticed and posted at the following locations:

State of Nevada Website: notice.nv.gov.

State of Nevada Board of Cosmetology (Southern Office)

8945 W. Russell Road, Suite #200 Las Vegas, NV 89148

State of Nevada Board of Cosmetology (Northern Office)

740 Del Monte Lane, Suite #12 Reno, NV 89511

Nevada State Board of Cosmetology website www.nvcosmo.com

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Cosmetology, as proposed in LCB File No.R2021-26.

The Nevada State Board of Cosmetology will hold a public hearing at 9:00 am, on April 13, 2026, at 8945 W. Russell Rd, Ste 200, Las Vegas, NV 89148 and 740 Del Monte Lane, Suite 12, Reno, Nevada 89511. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to Chapter 644 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1) **The need for and the purpose of the proposed regulation or amendment.**

   The proposed regulatory amendments address continuing education, apprenticeship training, supervision requirements, facility and equipment standards, and disciplinary procedures. These revisions are intended to clarify existing regulations, improve consistency, and strengthen public protection. Specifically, the changes will clarify Continuing Education requirements by establishing a clear, fixed CEU requirement for instructor license renewal to eliminate ambiguity and prevent shifting standards that create barriers to timely renewal, streamline apprenticeship curriculum standards by allowing greater flexibility in curriculum categories and increasing hours in categories that impact public safety, expanding the categories of qualified supervisors within establishments, strengthen safety requirements for facilities operating laser devices to better protect the public, modernize equipment standards to ensure that students have adequate exposure to certain equipment that poses significant health and sanitation risks to the public, improve disciplinary procedures by refining the licensing and disciplinary functions and structured enforcement framework for violations.

2) **For a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

3) **For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

A copy of the proposed regulation language may be downloaded from the Board's Website: https://www.nvcosmo.com/board-meeting-information

4) **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**
(a) Both adverse and beneficial effects; and
(b) Both immediate and long-term effects.

There are no adverse or beneficial economic effects of this regulation on the businesses it regulates or on the public, as the proposed regulations intend to streamline requirements, provide clarity to existing provisions, and reinforce or strengthen safety standards.

There are no immediate and long-term effects of this regulation on the businesses it regulates or on the public, as the proposed regulations intend to streamline requirements, provide clarity to existing provisions, and reinforce or strengthen safety standards.

5) **The methods used by the agency in determining the impact on a small business.**
The Nevada State Board of Cosmetology requested input from small business owners and operators. A survey was sent to each of the Board's licensed businesses, including schools of cosmetology, requesting input as to the projected adverse and beneficial impacts of the proposed regulation changes.

Surveys were sent to all licensed Nevada cosmetology schools and businesses via email. In addition to the open-ended comment section at the end of the survey, business owners/operators were asked whether they anticipated any direct or indirect economic benefits or adverse effects on

their businesses. Survey participants were able to select "yes", "no", or "unknown" as their response.

Board staff reviewed the "yes" responses for businesses that indicated that a regulation change was likely to have a negative impact on their business. Any "yes" response was compared to the open-ended comment response at the end of the survey to determine the specific concerns of the individual business owner/operator.

The survey was sent via Alchemer, an online survey tool. Responses were solicited from December 4, 2025, to December 18, 2025. In total, 45 responses were collected.

Response Summary:
A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.

There is no significant economic impact on small businesses. The proposed changes were intended to either reduce regulatory burdens on businesses or enhance existing sanitation requirements are already in place.

How was that conclusion reached?

Based on this review of the feedback from small businesses, as well as consideration of the intent of the language, the Board of Cosmetology determined that the proposed regulations will have minimal, if any, economic impacts on businesses, either directly or indirectly.

The end of the survey left room for open-ended comments and was intended to provide the small business owner or operator the ability to expand on his/her responses.

Any person interested in obtaining a copy of the summary may mail a request to:

Nevada State Board of Cosmetology
% Compliance Division
8945 W. Russell Road, Suite #200
Las Vegas, NV 89148

6) **The estimated cost to the agency for enforcement of the proposed regulation.**

There is no additional cost to the agency for enforcement of this regulation.

7) **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

This regulation does not overlap or duplicate any regulations of other state or local government agencies. This regulation does not overlap or duplicate any federal regulations.

8) **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

There are no federal regulations that apply.

9) **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

10) **Whether the proposed regulation establishes a new fee or increases an existing fee.**

The regulation does not provide a new fee or an increase of an existing fee.

11) For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

This is a permanent regulation.

Persons wishing to comment upon the proposed action of the Nevada State Board of Cosmetology may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form, to the Nevada State Board of Cosmetology, Attn: Janie Huggins, 8945 W. Russell Rd, Ste 200, Las Vegas, NV 89148. Written submissions must be received by the Nevada State Board of Cosmetology on or before 10:00 a.m., on Monday, April 13, 2026. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Office of the Attorney General may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the following four Offices of the Nevada State Board of Cosmetology: 8945 West Russell Rd, Ste 200, Las Vegas, Nevada 89148, and 740 Del Monte Lane, Suite 12, Reno, Nevada 89511, and nvcosmo.com for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://www.leg.state.nv.us/. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request. Upon adoption of any regulation, the agency, 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.

This notice of hearing has been posted at the following locations:

Nevada State Board of Cosmetology Office: 8945 West Russell Rd, Ste 200, Las Vegas, Nevada 89148
Nevada State Board of Cosmetology Office: 740 Del Monte Lane, Suite 12, Reno, Nevada 89511

Posted online to the Nevada Legislature website:
http://leg.state.nv.us/App/Notice/A/
Posted online to the State of Nevada Public Notice website: https://notice.nv.gov
Posted online to the NSBOC's website: https://www.nvcosmo.com/

Small Business Impact Statement
EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background:

This statement was prepared to comply with NRS 233B.0608 and NRS 233B.0609. This statement addresses the fiscal impact of proposed regulation changes.

The proposed regulation changes cover several areas, including continuing education, apprentice training, supervision requirements, facility standards, equipment, and disciplinary actions.

NAC 644A.260: Credit for Continuing Education - changes to clarify the existing hour requirement, expands pool of approved course providers, clarifies required documentation of continuing education hours to include the date of the class.
NAC 644A.325: Duties of Supervising Apprentice - streamlines required training hours and subjects for cosmetologist, hair designer, esthetician, and nail technologist apprentices.
NAC 644A.505: Immediate Supervision Requirements - Adds a licensed advanced esthetician as an authorized supervisor for cosmetological establishments.
NAC 644A.720: Laser/Light Device Safety: Clarifies requirements for rooms with lasers or light-based devices to be designated with appropriate signage, be free of safety hazards, and have walls, floors, ceilings, furnishings, and fixtures that are fully enclosed and free of reflective surfaces.
NAC 644A.715: Restrooms - Changes the maximum distance for restrooms from 100 feet to 200 feet from the entrance.
NAC 644A.730: Single Use Items: Provides that nonporous items intended by the manufacturer to be disposable or for single use only must be disposed of immediately after use, as well as designates that supplies in an establishment not be maintained for private or personal use.
NAC 644A.603: Minimum Requirements for Equipment for Schools - adds additional equipment inside cosmetology schools
NAC 644A.860: Schedule of Fines - clarifies fines imposed by the Board versus items to be considered grounds for discipline by the Board.

2. Description of Solicitation:

The Nevada State Board of Cosmetology requested input from small business owners and operators, as well as chambers of commerce.

A survey was sent asking for input as to the projected adverse and beneficial impacts of the proposed regulation changes. In addition to the open-ended comment section at the end of the survey, business owners/operators were asked whether they anticipated any direct or indirect economic benefits or adverse effects on their businesses. Survey participants were able to select "yes", "no", or "unknown" as their response. Board staff reviewed the "yes" responses for businesses that indicated that a regulation change was likely to have a negative impact on their business. Any "yes" response was compared to the open-ended comment response at the end of the survey to determine the specific concerns of the individual business owner/operator.

The survey was sent via Alchemer, an online survey tool. Responses were solicited from December 4, 2025, to December 18, 2025. In total, 45 responses were collected.

3. Does the proposed regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? (NRS 233B.0608(1))

There is no significant economic impact on small businesses. The proposed changes were intended to either reduce regulatory burdens on businesses or enhance existing sanitation requirements already in place.

4. How was that conclusion reached?

To determine whether these regulation changes are likely to have an impact on small businesses, the Board of Cosmetology considered the purpose and scope of the proposed and potential regulations in conjunction with existing regulations. Based on this review of the feedback from small businesses as well as consideration of the intent of the language, the Board of Cosmetology determined that the proposed regulations will have minimal, if any, economic impacts on businesses, either directly or indirectly.

I, Steven D. McDonald, Esq., MBA, Executive Director, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above is accurate. (NRS 233B.0608(3))

Dated: 4/14/2026

Signature: Steven D. McDonald

Steven D. McDonald, Esq., MBA
Executive Director
Nevada State Board of Cosmetology

Regulations Submitted
Pursuant to NRS 233B.0675

STATE AGENCY REGULATIONS TO BE REVIEWED BY THE LEGISLATIVE COMMISSION

APRIL 28, 2026

REGULATIONS SUBMITTED PURSUANT TO NRS 233B.0675 AND DEFERRED AT A PREVIOUS MEETING		
2025 REGULATIONS		
R026-25	**637B**	**SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING BOARD** A REGULATION revising various provisions relating to speech and hearing professions (AB 177, 2025) **CONTACT Jennifer Pierce (775) 787-3421** **execdirector@nvspeechhearing.org**
R087-25	**632**	**STATE BOARD OF NURSING** A REGULATION establishing provisions relating to delegating practitioners (AB 319, 2025) **CONTACT Frederick Olmstead (775) 687-7728** **folmstead@nsbn.state.nv.us**

REVISED ADOPTED REGULATION OF THE

SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND

HEARING AID DISPENSING BOARD

LCB File No. R026-25

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

AUTHORITY: §§ 1-4, 6-11, 13 and 14, NRS 637B.132 and sections 9 and 10 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404; § 5, NRS 637B.132, 637B.193, as amended by section 24 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409, and NRS 637B.194, as amended by section 25 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409; § 12, NRS 637B.132 and section 10 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404; § 15, NRS 637B.132 and 637B.194 and sections 9 and 10 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404; § 16, NRS 637B.132 and 637B.194 and section 9 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404; § 17, NRS 637B.080, as amended by section 18 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 406, and NRS 637B.132; §§ 18 and 20, NRS 637B.132, 637B.175, as amended by section 22 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 408, and NRS 637B.191; §§ 19 and 28-32 and 34, NRS 637B.132, as amended by section 20 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 407; §§ 21 and 22, NRS 637B.132, 637B.191 and 637B.194, as amended by section 25 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409; §§ 23 and 33, NRS 637B.132, as amended by section 20 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 407, and NRS 637B.191, as amended by section 23 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409; §§ 24 and 27, NRS 637B.132, as amended by section 20 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 407, NRS 637B.194, as amended by section 25 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409, and NRS 637B.235; §§ 25 and 26, NRS 637B.132, as amended by section 20 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 407, and NRS 637B.194.

A REGULATION relating to speech and hearing professions; requiring certain applicants for a license to engage in the practice of fitting and dispensing hearing aids to complete

certain training; prescribing requirements governing the licensure and practice of speech-language pathology assistants and the practice of speech-language pathology students; prescribing requirements governing the supervision of speech-language pathology provisional licensees, speech-language pathology assistants and speech-language pathology students; imposing and revising requirements governing certain notice provided to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board; adopting by reference certain publications as standards of professional conduct for certain professions; revising provisions concerning certain credentials issued by the Department of Education; revising provisions relating to fees charged and collected by the Board; removing references to dispensing audiologists; revising provisions relating to the eligibility of a sponsor for an apprentice; authorizing the Board to require, under certain circumstances, a supervising speech-language pathologist to accompany a speech-language pathology assistant or speech-language pathology provisional licensee to certain disciplinary proceedings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2025 Legislative Session, the Legislature enacted Assembly Bill No. 177 (A.B. 177) which: (1) provides for the licensure of speech-language pathology assistants; and (2) authorizes a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student to engage in the practice of speech-language pathology only under the supervision of a supervising speech-language pathologist. A.B. 177 further requires the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board to adopt regulations regarding: (1) speech-language pathology assistants, including licensing, education and training requirements; and (2) the supervision of speech-language pathology assistants, speech-language pathology provisional licensees and speech-language pathology students. (Sections 9 and 10 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404) **Section 4** of this regulation defines the term "plan of care" and **sections 2 and 3** of this regulation define certain other terms. **Section 28** of this regulation standardizes terminology by utilizing the term "plan of care" as defined in **section 4**.

A.B. 177 requires the Board to adopt regulations regarding the education and training requirements for speech-language pathology assistants. (Section 9 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404) **Section 6** of this regulation prescribes training requirements for certain applicants for a license as a speech-language pathology assistant who have not previously held certain credentials to engage in the practice of speech-language pathology. **Section 6** authorizes the Board to issue a license to an applicant who has not completed such training if he or she submits to the Board with his or her application a clinical training plan that provides for the completion of such training. **Section 7** of this regulation sets forth the required content of such a clinical training plan and procedures to be followed upon the completion of the clinical training plan. **Section 7** authorizes a supervising speech-language pathologist who is supervising a speech-language pathology assistant pursuant to a clinical training plan to report concerns regarding the ethics or competency of the speech-language

pathology assistant to the Board. **Section 7** authorizes the Board to place the license of the speech-language pathology assistant on inactive status during an investigation of such a report. **Section 8** of this regulation establishes procedures if a speech-language pathology assistant is unable to complete a clinical training plan within the time period allowed by **section 7**. **Section 9** of this regulation sets forth the specific duties of a speech-language pathology assistant and supervising speech-language pathologist under a clinical training plan.

Section 10 of this regulation establishes certain duties and prohibitions applicable to speech-language pathology assistants and speech-language pathology students. **Section 11** of this regulation: (1) limits the number of supervising speech-language pathologists that may supervise a speech-language pathology assistant; and (2) requires a speech-language pathology assistant to notify the Board concerning certain changes to his or her employment and supervision.

Section 12 of this regulation prescribes certain qualifications and responsibilities of a supervising speech-language pathologist. **Section 12** also limits the total number of speech-language pathology provisional licensees, speech-language pathology assistants and speech-language pathology students that a supervising speech-language pathologist may supervise at any one time. **Section 13** of this regulation sets forth the general duties of a supervising speech-language pathologist. **Section 14** of this regulation authorizes a supervising speech-language pathologist to, under certain circumstances, delegate certain responsibilities to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student.

Existing law provides for the licensure of hearing aid specialist apprentices, who are persons completing in-service training under the supervision of a sponsor to become eligible to apply for a license to engage in the practice of fitting and dispensing hearing aids. (NRS 637B.025, 637B.195) **Section 24** of this regulation authorizes an apprentice to receive credit for not more than 2 years of in-service training completed under the supervision of a licensed audiologist, licensed hearing aid specialist or equivalent licensee of the District of Columbia or another state or territory of the United States.

Existing law requires certain applicants for a license to engage in the practice of fitting and dispensing hearing aids to have completed a training program in hearing instrument sciences approved by the Board. (NRS 637B.193, as amended by section 24 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409) **Sections 25 and 26** of this regulation make certain in-service training requirements for apprentices applicable to such applicants. **Section 5** of this regulation requires such an applicant for: (1) a standard or temporary license to include in his or her application proof that he or she has completed such training; and (2) a provisional licensee to include in his or her application proof that he or she has completed a certain amount of such training. **Sections 21 and 22** of this regulation require an applicant who is required to complete such training and wishes to renew his or her provisional license to include with his or her application proof that he or she is actively engaged in the practice of fitting and dispensing hearing aids for the purpose of completing the remainder of such training.

Section 15 of this regulation requires an audiologist, speech-language pathologist, hearing aid specialist, hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant to include in his or her application for the issuance or renewal of his or her license and with any notice provided to the Board of a change

of sponsor or change of supervising speech-language pathologist a disclosure concerning whether he or she has certain familial or dating relationships with his or her supervising speech-language pathologist, sponsor, hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant, as applicable.

Section 16 of this regulation: (1) adopts by reference certain codes of ethics as standards of professional conduct in this State for the practice of speech-language pathology, practice of audiology and practice of fitting and dispensing hearing aids; and (2) provides that a violation of such standards constitutes cause for disciplinary action.

Before the passage of A.B. 177, existing law exempted from licensure and regulation by the Board a person who practices audiology or speech-language pathology within the scope of certain credentials issued by the Department of Education. A.B. 177 limited the applicability of this exemption to a person who holds a current endorsement that is issued by the Department on or before September 30, 2026. (NRS 637B.080, as amended by section 18 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 406) **Section 17** of this regulation revises provisions relating to the applicability of provisions governing audiologists and speech-language pathologists to reflect those revisions made in A.B. 177.

Existing law requires the Board to charge and collect certain fees relating to licenses issued by the Board and sets forth maximum amounts for such fees. A.B. 177 increased the maximum amount for certain fees and authorized the Board to waive all or part of such licensing fees at a meeting of the Board or pursuant to criteria established by regulation of the Board. (NRS 637B.175, as amended by section 22 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 408) Existing regulations prescribe such fees for licenses issued by the Board. (NAC 637B.030) **Section 18** of this regulation: (1) increases from $50 to $75 the fee for renewal of an inactive or temporary license; and (2) prescribes certain fees for licenses as an apprentice or speech-language pathology assistant. **Section 18** additionally prescribes a fee for exercising privilege to practice under the Audiology and Speech-Language Pathology Interstate Compact that was enacted during the 2025 Legislative Session. (Section 1 of Assembly Bill No. 230, chapter 327, Statutes of Nevada 2025, at page 2146)

Existing regulations require any person seeking to renew, reinstate or change the type of license he or she holds to submit with his or her application any appropriate fee prescribed by the Board. (NAC 637B.035) **Section 20** of this regulation authorizes the Board to waive all or part of such a fee if the person submits a written request for a waiver that includes documentation that includes proof of an extenuating circumstance that prevents the payment of the fee. If the Board denies such a request, **section 20** further authorizes the Board to grant the requestor additional time to pay the required fee. Finally, **section 20** authorizes the Board to waive part or all of such a fee for a group of affected persons if the Board determines that such a waiver is appropriate under the circumstances.

Before the passage of A.B. 177, existing law authorized the Board to grant an audiologist who engages in the practice of fitting and dispensing hearing aids an endorsement to engage in such practice as a dispensing audiologist. A.B. 177: (1) revised the scope of the practice of audiology and the practice of fitting and dispensing hearing aids to include ordering the use of hearing aids; and (2) repealed the separate endorsement for dispensing audiologists. (NRS 637B.050, as amended by section 14 of Assembly Bill No. 177, chapter 76, Statutes of Nevada

2025, at page 405, NRS 637B.055, as amended by section 15 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 405; Section 39 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 416) **Sections 19, 23, 27 and 29-34** of this regulation accordingly remove references to that endorsement and to dispensing audiologists.

Existing regulations prescribe certain requirements for eligibility as a sponsor of an apprentice, including a requirement for a hearing aid specialist or dispensing audiologist to have experience as a hearing aid specialist or dispensing audiologist for a minimum of 3 years. (NAC 637B.0396) **Section 27** revises such requirements to instead require a hearing aid specialist or audiologist to have experience as a hearing aid specialist for at least 3 years or an audiologist to have fitted and dispensed hearing aids for at least 3 years immediately preceding becoming a sponsor. **Section 28** increases, from 10 days to 30 days, the time within which a licensee is required to provide written notice to the Board concerning certain criminal, civil and disciplinary actions taken or filed against the licensee. (NAC 637B.042)

Existing regulations authorize a person or the Board to file or initiate a complaint against a person licensed by the Board who violates a regulation of the Board. Existing regulations further authorize, for any proceedings regarding a complaint against an apprentice, the Board to require that the apprentice be accompanied by any hearing aid specialist or dispensing audiologist who signed, dated or reviewed a record regarding a patient related to the complaint. (NAC 637B.720) **Section 34** additionally authorizes the Board to require a speech-language pathology provisional licensee or speech-language pathology assistant to be accompanied by a supervising speech-language pathologist who signed, dated or reviewed a record regarding a patient related to a complaint filed against the speech-language pathology provisional licensee or speech-language pathology assistant.

Section 1. Chapter 637B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. ***"Direct supervision" means the supervision, either in person or by means of telesupervision, of a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student by a supervising speech-language pathologist who is able, in real time, to view and communicate effectively with the speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student. The term may include, without limitation, observing, coaching, modeling and providing real-time assistance and feedback.***

Sec. 3. *"Indirect supervision" means the monitoring and review of the activities of a speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student by a supervising speech-language pathologist that does not occur in real time. The term may include, without limitation, the following activities conducted by the supervising speech-language pathologist:*

1. Demonstrations;

2. Review of records;

3. Review and evaluation of recorded sessions; or

4. Meetings conducted by telephone, electronic mail or other means of telecommunication that require the speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student to actively engage with the content of the meeting.

Sec. 4. *"Plan of care" means the written plan developed by a licensee pursuant to subsection 11 of NAC 637B.042 to provide services to meet the needs of a client. The plan of care may include, without limitation, information concerning the treatment of the client and the need to screen, observe, monitor or assess the client.*

Sec. 5. *1. An applicant for a provisional license to engage in the practice of fitting and dispensing hearing aids pursuant to paragraph (b) of subsection 1 of NRS 637B.201, as amended by section 28 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 410, who meets the requirements of paragraph (b) of subsection 1 of NRS 637B.193, as amended by section 24 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409, but does not meet the requirements of paragraph (a) or (c) of that subsection must*

provide with his or her application proof satisfactory to the Board that he or she has completed:

(a) The academic portion of the training set forth in NAC 637B.0392; and

(b) At least 1 year of the on-site training and work experience set forth in NAC 637B.0394, which may include equivalent work experience obtained in the District of Columbia or another state or territory of the United States under a license in good standing to practice as a hearing aid specialist, hearing aid specialist apprentice or an equivalent license.

2. An applicant for a standard or temporary license to engage in the practice of fitting and dispensing hearing aids who meets the requirements of paragraph (b) of subsection 1 of NRS 637B.193, as amended by section 24 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 409, but does not meet the requirements of paragraph (a) or (c) of that subsection must provide proof satisfactory to the Board that he or she has completed the:

(a) Academic portion of the training set forth in NAC 637B.0392; and

(b) On-site training and work experience which is competency-based as set forth in NAC 637B.0394 for at least 2 years. Such experience may include equivalent work experience obtained in the District of Columbia or another state or territory of the United States under a license in good standing to practice as a hearing aid specialist, hearing aid specialist apprentice or an equivalent license.

Sec. 6. *1. Except as otherwise provided in subsection 2, an applicant for a license to engage in the practice of speech-language pathology as a speech-language pathology assistant who meets the requirements of paragraph (a) of subsection 1 of section 9 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 404, and does not currently hold or has not*

previously held a license as a speech-language pathology assistant in the District of Columbia or any state or territory of the United States shall include in his or her application proof satisfactory to the Board of the completion of 75 hours of clinical training. The training must:

(a) Include not less than 25 hours of clinical observation and not less than 50 hours of experience in clinical assisting; and

(b) Have been completed in the period of time during which the applicant:

(1) Completed the program of education for his or her degree in speech-language pathology or communication sciences and disorders, as shown in the transcript of the applicant or verified by:

(I) An appropriate member of the staff of the educational institution, which may include, without limitation, a dean, department head or staff member of the office of the registrar; or

(II) The supervising speech-language pathologist; or

(2) Completed field work for a Speech-Language Pathology Assistants Certification issued by the American Speech-Language-Hearing Association or its successor organization, as evidenced by his or her certification.

2. The Board may issue a license to an applicant described in subsection 1 who has not completed 75 hours of clinical training if the applicant submits to the Board with his or her application a clinical training plan that:

(a) Meets the requirements of section 7 of this regulation; and

(b) Provides for the completion of the 75 hours of clinical training required by this section.

3. The applicant shall not begin training pursuant to a clinical training plan submitted pursuant to subsection 2 until:

(a) The Board approves the clinical training plan and issues a license as a speech-language pathology assistant to the applicant; and

(b) The supervising speech-language pathologist identified in the clinical training plan has personally verified that the Board has issued a license as a speech-language pathology assistant to the applicant.

4. In determining whether to approve a clinical training plan submitted pursuant to subsection 2, the Board may:

(a) Request any additional information necessary to evaluate the clinical training plan; and

(b) If the Board determines the clinical training plan does not meet the requirements of section 7 of this regulation, require the applicant to submit a revised clinical training plan.

Sec. 7. *1. A clinical training plan submitted pursuant to section 6 of this regulation must:*

(a) Require the applicant to complete, within 90 days after the issuance of the license as a speech-language pathology assistant, not less than 75 hours of clinical training that includes not less than:

(1) Twenty-five hours of clinical observation; and

(2) Fifty hours of experience in clinical assisting;

(b) Identify one supervising speech-language pathologist to supervise any hours worked pursuant to the clinical training plan;

(c) Require all hours worked by the applicant to be supervised by the supervising speech-language pathologist; and

(d) Require not less than 25 percent of the total hours of time spent by the applicant with a client be directly supervised by the supervising speech-language pathologist.

2. To meet the requirements of subsection 1, a clinical training plan may include hours of clinical training completed in the period of time during which the applicant completed the program of education for his or her degree in speech-language pathology or communication sciences and disorders or completed field work for a Speech-Language Pathology Assistants Certification issued by the American Speech-Language-Hearing Association or its successor organization. If an applicant submits a clinical training plan that includes such hours, the applicant shall include with his or her clinical training plan proof satisfactory to the Board of the completion of the clinical training hours. Such proof must include, without limitation:

(a) If the applicant completed the hours as part of the program of education for his or her degree:

(1) A copy of his or her transcript evidencing the completion of the hours; or

(2) Verification of the completion of the hours by:

(I) An appropriate member of the staff of the educational institution, which may include, without limitation, a dean, department head or staff member of the office of the registrar; or

(II) The supervising speech-language pathologist; or

(b) If the applicant completed the hours while obtaining a Speech-Language Pathology Assistants Certification issued by the American Speech-Language-Hearing Association or its successor organization, evidence of his or her certification.

3. Upon the completion of the clinical training plan:

(a) The speech-language pathology assistant shall immediately notify the Board of the completion of the clinical training plan;

(b) The supervising speech-language pathologist shall, within 5 business days, notify the Board of the completion of the clinical training plan and submit to the Board:

(1) Documentation of:

(I) The total number of hours of clinical observation and clinical assisting performed by the speech-language pathology assistant; and

(II) The competency of the speech-language pathology assistant in all areas of clinical observation and clinical assisting; and

(2) The record of supervision maintained pursuant to paragraph (g) of subsection 4 of section 13 of this regulation; and

(c) The speech-language pathology assistant may continue to practice under the direct supervision of the supervising speech-language pathologist identified in the clinical training plan while the Board evaluates the documentation submitted by the supervising speech-language pathologist pursuant to paragraph (b).

4. At any time during the period in which a speech-language pathology assistant is working under a clinical training plan, a supervising speech-language pathologist may report to the Board concerns regarding the ethics or competency of the speech-language pathology

assistant. The Board may place the license of the speech-language pathology assistant on inactive status during an investigation of any report made pursuant to this subsection.

Sec. 8. *1. If a speech-language pathology assistant believes that he or she will be unable to complete a clinical training plan approved pursuant to section 6 of this regulation within 90 days after the issuance of his or her license as a result of extenuating circumstances, he or she may submit a request to the Board to convert his or her license to inactive status. Such a request must:*

(a) Include, without limitation, a statement of the extenuating circumstances that prevent the speech-language pathology assistant from completing the clinical training plan; and

(b) Be accompanied by a statement from the supervising speech-language pathologist of the speech-language pathology assistant approving the placement of the license on inactive status.

2. Upon determining that a request for conversion to inactive status meets the requirements of subsection 1, the Board may convert the license of the speech-language pathology assistant to inactive status and suspend the clinical training plan until the license is returned to active status.

3. If a speech-language pathology assistant does not complete his or her clinical training plan within 90 days after the issuance of his or her license or his or her revised clinical training program by the date required by subsection 4 or 5, as applicable, he or she shall immediately notify the Board of his or her failure to complete the clinical training plan or revised clinical training plan, as applicable. Upon receiving such notice, the Board will place

the license of the speech-language pathology assistant on inactive status. The Board will reinstate a license that has been placed on inactive status pursuant to this subsection only if:

(a) The Board grants an extension to the clinical training plan or revised clinical training plan pursuant to subsection 4 or 5, as applicable, and approves the revised clinical training plan; and

(b) The speech-language pathology assistant has identified a supervising speech-language pathologist who will supervise the speech-language pathology assistant under the revised clinical training plan.

4. A speech-language pathology assistant whose license has been placed on inactive status pursuant to subsection 3 may submit to the Board a request for a 90-day extension to complete the hours required pursuant to subsection 1 of section 7 of this regulation. The request must be accompanied by a revised clinical training plan. Such a revised clinical training plan must include, without limitation, a description of the need for the extension and any extenuating circumstances associated with the need for an extension.

5. If a speech-language pathology assistant does not complete a revised clinical training plan submitted pursuant to subsection 4 within 180 days after the issuance of his or her license, he or she may submit to the Board a request for a second extension. Such a request must be accompanied by a revised clinical training plan that includes, without limitation, a description of the need for an extension and any extenuating circumstances associated with the need for an extension. If the Board determines that the request is adequately justified, the Board may grant the extension for a length of time determined by the Board.

6. As used in this section, "extenuating circumstances" includes, without limitation:

(a) Extreme illness or injury;

(b) Extreme financial or familial hardship; or

(c) Military service.

Sec. 9. *1. A speech-language pathology assistant engaging in the practice of speech-language pathology under a clinical training plan submitted pursuant to section 6 of this regulation or a revised clinical training plan submitted pursuant to this section or section 8 of this regulation:*

(a) Shall immediately notify the Board if he or she is no longer under the supervision of the supervising speech-language pathologist identified in the clinical training plan or terminates his or her employment with the employer of the supervising speech-language pathologist. After providing notice to the Board, he or she shall submit to the Board for approval a revised clinical training plan that reflects his or her change in supervising speech-language pathologist or employment.

(b) Shall not:

(1) Engage in the practice of speech-language pathology outside of an approved clinical training plan or in a manner not provided for in the clinical training plan, including any period of time in which a change in employer or supervising speech-language pathologist, an extension to the clinical training plan or any other revision to the clinical training plan is awaiting approval by the Board; or

(2) Carry his or her own caseload or engage in any practice of speech-language pathology beyond the scope of observing and assisting with the caseload assigned to the supervising speech-language pathologist identified in the clinical training plan.

2. In addition to the requirements set forth in section 13 of this regulation, a supervising speech-language pathologist who supervises a speech-language pathology assistant pursuant to a clinical training plan shall:

(a) Supervise all hours worked by the speech-language pathology assistant in accordance with the clinical training plan;

(b) Evaluate the competency of the speech-language pathology assistant to perform tasks related to the practice of speech-language pathology;

(c) Document the training provided to and supervision of the speech-language pathology assistant and submit such documentation to the Board in accordance with section 7 of this regulation; and

(d) Immediately notify the Board if:

(1) He or she is no longer employed by the same employer as the speech-language pathology assistant or wishes to withdraw as the supervising speech-language pathologist; or

(2) The speech-language pathology assistant:

(I) Is no longer under the supervision of the supervising speech-language pathologist;

(II) Withdraws from clinical training; or

(III) Terminates his or her employment with the employer of the supervising speech-language pathologist.

Sec. 10. *1. A speech-language pathology assistant or speech-language pathology student shall:*

(a) Clearly identify himself or herself, both orally and in writing, as a speech-language pathology assistant or speech-language pathology student, as applicable, to clients, families of clients, caregivers of clients and any other person that the speech-language pathology assistant or speech-language pathology student interacts with in the course of his or her practice of speech-language pathology.

(b) Comply with all applicable federal and state laws and regulations, including, without limitation:

(1) The Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and the regulations adopted pursuant thereto;

(2) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto;

(3) Laws and regulations relating to reimbursement; and

(4) Laws and regulations relating to the licensing and education of and practice of speech-language pathology by speech-language pathology assistants or speech-language pathology students, as applicable.

(c) Comply with the standards of professional conduct adopted by the Board in section 16 of this regulation.

2. A speech-language pathology assistant or speech-language pathology student shall not:

(a) Interpret assessment tools for the purpose of diagnosing a disability or determining eligibility for services.

(b) Except as delegated pursuant to section 14 of this regulation, administer, score or interpret screenings, checklists or clinical assessment tools, including, without limitation, screenings, checklists or clinical assessment tools concerning feeding and swallowing.

(c) Interpret the record or evaluation of a client.

(d) Counsel or consult a client, a family member of a client or others regarding:

(1) The status or treatment of the client; or

(2) Referrals for additional services for the client.

(e) Diagnose a communication disorder or feeding and swallowing disorder.

(f) Write, develop or revise the treatment goals or plan of care of a client, including, without limitation, developing or determining feeding and swallowing strategies and precautions.

(g) Provide vocal therapy treatment to a client.

(h) Unless otherwise required by law, divulge clinical information or other confidential information by any method to any recipient who has not been approved by the supervising speech-language pathologist.

(i) Sign or initial any formal documents without the co-signature of the supervising speech-language pathologist.

(j) Provide services to a client:

(1) Without access to supervision by a supervising speech-language pathologist; or

(2) That deviate from the plan of care of the client.

(k) Select an augmentative or alternative communication system device for a client.

(l) Treat a client who is medically fragile without direct supervision at all times by a supervising speech-language pathologist.

(m) Perform activities that require specialized knowledge and training, including, without limitation, the shaping or fitting of a vocal tract prosthesis or imaging of the vocal tract.

(n) Provide input in a treatment meeting without the presence of or prior approval of a supervising speech-language pathologist.

(o) Discharge a client from treatment services.

(p) Engage in the practice of speech-language pathology when his or her supervising speech-language pathologist cannot immediately be reached.

(q) Perform a task for which direct or indirect supervision by a supervising speech-language pathologist is required by this chapter or chapter 637B of NRS without such supervision.

3. Any violation of this section by a speech-language pathology assistant constitutes grounds for disciplinary action.

4. Unless otherwise authorized by law, if a speech-language pathology student violates any provision of this section, that violation constitutes engaging in the practice of speech-language pathology without holding a valid license for the purposes of NRS 637B.290, as amended by section 35 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 414.

5. As used in this section, "medically fragile" means acutely ill and in an unstable health condition.

Sec. 11. *1. A speech-language pathology assistant must have one supervising speech-language pathologist who serves as the primary supervisor for the speech-language pathology assistant for each employer of record of the speech-language pathology assistant. Except as otherwise provided in section 7 of this regulation, not more than two speech-language pathologists may serve as alternate supervising speech-language pathologists for each employer of record of the speech-language pathology assistant.*

2. Except as otherwise provided in sections 6 to 9, inclusive, of this regulation, each speech-language pathology assistant shall submit to the Board in the form prescribed by the Board notice and verification of his or her employment and supervision by a supervising speech-language pathologist:

(a) If he or she is employed before the Board issues a license to him or her, within 7 days after the issuance of the license;

(b) If he or she is not employed before the Board issues a license to him or her, within 7 days after the date when he or she is first employed; and

(c) Within 30 days after a change in employment or supervising speech-language pathologist.

3. Not later than 30 days after terminating his or her supervision of a speech-language pathology assistant, a supervising speech-language pathologist shall notify the Board of the termination.

4. As used in this section, "supervising speech-language pathologist" includes a supervising speech-language pathologist who serves as an alternate supervising speech-language pathologist.

Sec. 12. *1. To be eligible to act as a supervising speech-language pathologist, a speech-language pathologist must:*

(a) Hold a standard license as a speech-language pathologist that is on active status;

(b) Have experience as a speech-language pathologist for a minimum of 2 years after obtaining a Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech-Language-Hearing Association;

(c) Have completed not less than 2 hours of professional development in clinical instruction or supervision;

(d) If he or she supervises a speech-language pathology provisional licensee or speech-language pathology assistant, be employed by the same employer as the speech-language pathology provisional licensee or speech-language pathology assistant during the term of supervision; and

(e) Be in good standing with the Board and have no record of disciplinary action.

2. The supervising speech-language pathologist of a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student is not required to be immediately physically present or to maintain a constant presence on the premises where the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student, as applicable, is located. If a supervising speech-language pathologist will be unable to supervise a speech-language pathology provisional licensee or speech-language pathology assistant for more than 1 week, he or she shall:

(a) Inform the speech-language pathology provisional licensee or speech-language pathology assistant, as applicable, of the forthcoming absence;

(b) Notify the employer of the supervising speech-language pathologist of:

(1) The forthcoming absence; and

(2) The need to identify an alternate supervising speech-language pathologist for the supervision of the speech-language pathology provisional licensee or speech-language pathology assistant, as applicable; and

(c) Inform any clients, families of clients, caregivers of clients or other appropriate persons if any services will be rescheduled as a result of the absence.

3. A supervising speech-language pathologist shall not, at any one time, serve as a primary supervising speech-language pathologist for more than a combination of the equivalent of three full-time speech-language pathology provisional licensees, speech-language pathology assistants or speech-language pathology students. In determining the number of persons whom the supervising speech-language pathologist will supervise, the supervising speech-language pathologist must consider his or her ability to continue to provide appropriate services to clients while supervising any speech-language pathology provisional licensees, speech-language pathology assistants or speech-language pathology students.

4. A supervising speech-language pathologist is ethically and legally responsible for the welfare of the clients who receive services from a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under his or her supervision.

Sec. 13. ***1. A supervising speech-language pathologist shall:***

(a) Develop a supervision plan with each speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under his or her supervision; and

(b) Regularly review and revise each supervision plan during the term of supervision to be consistent with the skill and experience demonstrated by the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student to whom the supervision plan applies.

2. In developing or revising a supervision plan for a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student pursuant to subsection 1, a supervising speech-language pathologist shall consider:

(a) The competency of the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student;

(b) The needs of clients;

(c) The environment in which the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student provides services to clients;

(d) The nature of any tasks previously assigned to the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student;

(e) The laws and regulations governing the practice of speech-language pathology and speech-language pathology provisional licensees, speech-language pathology assistants or speech-language pathology students; and

(f) If applicable, the requirements of:

(1) A clinical fellowship approved by the Board, including, without limitation, guidelines for a clinical fellowship to earn the Certificate of Clinical Competence in Speech-Language Pathology issued by the American Speech-Language-Hearing Association, or its successor organization; or

(2) An educational program in which the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student is currently enrolled.

3. Only the supervising speech-language pathologist of a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student may provide instruction to the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student concerning the specific treatment of a client. Such instruction may include, without limitation, instruction concerning:

(a) The specific program of intervention for a client;

(b) Any precaution to be taken to protect a client;

(c) Any special conditions of a client that may present problems; and

(d) Any procedures that are or are not appropriate to be administered to a client.

4. A supervising speech-language pathologist shall:

(a) Plan, develop and supervise all client care and services that he or she delegates to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student;

(b) Ensure that he or she meets with a client before a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student provides services to the client without direct supervision;

(c) During the meeting described in paragraph (b), perform any necessary intake activities, including, without limitation:

(1) Establishing rapport with the client;

(2) Gathering baseline data for the client; and

(3) Obtaining any necessary documentation;

(d) When assigning clients or responsibilities, as appropriate, to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student, consider the competence, skills and experience of the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student;

(e) For any client who receives services from a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under the supervision of the supervising speech-language pathologist, review the plan of care for the client as needed to determine whether modifications are necessary and make all decisions concerning the management of the client;

(f) Provide appropriate supervision of each speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under the supervision of the supervising speech-language pathologist, including, without limitation:

(1) At least every 60 days and more frequently if necessary based on the location and frequency of services, providing direct supervision of the provision of services and the performance of associated activities by the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student for every client to whom he or she provides services;

(2) Providing at regular intervals indirect supervision of the provision of services and associated activities by the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student for every client to whom he or she provides services; and

(3) Conducting regular competency evaluations of each speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under the supervision of the supervising speech-language pathologist;

(g) Accurately document and record all supervision provided to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student under his or her supervision; and

(h) Provide training and educational opportunities for the professional development of each speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student, which may include, without limitation:

(1) Training and educational opportunities concerning the practice of speech-language pathology that are consistent with the skills necessary to provide services to clients; and

(2) Collaboration with the supervising speech-language pathologist on appropriate projects.

Sec. 14. *1. Only the supervising speech-language pathologist of a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student may:*

(a) Delegate services to the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student; or

(b) Determine which services in a plan of care are appropriate to delegate to the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student.

2. A supervising speech-language pathologist may delegate the responsibilities described in subsection 3 to a speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student after considering:

(a) The needs of the client;

(b) The environment in which services are provided to the client;

(c) The training and competency of the speech-language pathology assistant, speech-language pathology provisional licensee or speech-language pathology student, as applicable; and

(d) If delegating an activity to a speech-language pathology student, any requirements or guidelines of a clinical fellowship or educational program in which the speech-language pathology student is enrolled.

3. A supervising speech-language pathologist may delegate:

(a) Any activity, including, without limitation, any activity set forth in this subsection or subsection 4, to a speech-language pathology provisional licensee; and

(b) The following activities to a speech-language pathology assistant or speech-language pathology student:

(1) Assisting with client assessments which may include, without limitation, setting up the testing environment, gathering and preparing materials and taking notes;

(2) Implementing plans of care by:

(I) Providing direct therapy services to address treatment goals;

(II) Adjusting the amount and type of support and scaffolding provided to assist the understanding of a client during treatment; and

(III) Developing and providing to a client educational materials and activities that teach or assist the client in practicing skills to meet the treatment goals of the client;

(3) Providing coaching to the caregiver of a client to assist in the facilitation and retention of skills to meet the treatment goals of the client;

(4) Documenting and reporting the performance of a client to the supervising speech-language pathologist;

(5) Providing, as directed by the supervising speech-language pathologist, objective information to a client or the family or caregiver of a client or other appropriate person that:

(I) Concerns the performance of the client; and

(II) Does not include the interpretation of information or any recommendations;

(6) Assisting a client with augmentative and alternative communication devices and materials by:

(I) Programming the augmentative and alternative communication devices;

(II) Developing augmentative and alternative communication materials for the client if the client does not require the use of electronic devices or technology; and

(III) Providing training and technical assistance to the client or a family member or caregiver of the client concerning the use of augmentative and alternative communication devices;

(7) If the supervising speech-language pathologist determines that the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student has sufficient prior training and experiences in working with multilingual clients and knowledge of the specific language of a client, providing limited services and assistance to a client who speaks a language other than English and cannot readily understand or communicate in the English language, including:

(I) Assisting the supervising speech-language pathologist with the translation of information during any screening and assessment of the client;

(II) Interpreting for the client or his or her family member or caregiver; and

(III) Providing services within the scope of the license and abilities of, as appropriate, the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student in the language spoken by the client;

(8) Assisting with administrative tasks, including, without limitation:

(I) Clerical tasks, including, without limitation, scheduling, recordkeeping and maintaining of inventory of supplies and equipment;

(II) Performing safety checks on and maintaining equipment; and

(III) Preparing materials for screening, assessment and treatment services; and

(9) Engaging in, on behalf of his or her employer with oversight from the supervising speech-language pathologist, advocacy, education and promotion of information concerning communication disorders, swallowing disorders and other disorders treated by speech-language pathologists.

4. In addition to the responsibilities set forth in subsection 3, a supervising speech-language pathologist may delegate the administration and scoring of tools for monitoring the progress of a client to a speech-language pathology assistant or speech-language pathology student if:

(a) The speech-language pathology assistant or speech-language pathology student meets the requirements specified in the examiner's manual of the applicable tool;

(b) The supervising speech-language pathologist has verified the competence of the speech-language pathology assistant or speech-language pathology student to administer the tool; and

(c) The supervising speech-language pathologist analyzes the results of the tool and verifies the final score.

5. A supervising speech-language pathologist shall not delegate any responsibilities to a speech-language pathology provisional licensee, speech-language pathology assistant or

speech-language pathology student pursuant to this section that are outside of the scope of the license or training of the speech-language pathology provisional licensee, speech-language pathology assistant or speech-language pathology student.

Sec. 15. *1. A licensee, hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant must include in each application for or renewal of his or her license and any notice provided to the Board of a change of sponsor or change of supervising speech-language pathologist a disclosure concerning whether he or she:*

(a) Is related by blood, adoption or marriage within the third degree of consanguinity or affinity to his or her supervising speech-language pathologist or sponsor or hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant; or

(b) Has a dating relationship with his or her supervising speech-language pathologist or sponsor or hearing aid specialist apprentice, speech-language pathology provisional licensee or speech-language pathology assistant.

2. As used in this section, "dating relationship" means an intimate association primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 16. *1. The Board hereby adopts by reference the following publications in the forms most recently published:*

(a) As standards of professional conduct for the practice of speech-language pathology and the practice of audiology, the Code of Ethics, as published by the American Speech-Language-Hearing Association. A copy of this publication is available free of charge at the Internet address https://www.asha.org/policy/code-of-ethics.

(b) As standards of professional conduct for the practice of audiology in the State of Nevada, the Code of Ethics of the American Academy of Audiology as published by the American Academy of Audiology. A copy of this publication is available free of charge at the Internet address https://www.audiology.org/about/academy-membership/ethics-2/.

(c) As standards for professional conduct for the practice of fitting and dispensing hearing aids in the State of Nevada:

(1) The Code of Ethics of the National Board for Certification in Hearing Instrument Sciences as published by the National Board for Certification in Hearing Instrument Sciences. A copy of this publication is available free of charge at the Internet address https://www.nbc-his.com/code-of-ethics.

(2) The Code of Ethics of the International Hearing Society as published by the International Hearing Society. A copy of this publication is available free of charge at the Internet address https://www.ihsinfo.org/membership/code-ethics.

2. A copy of any of the publications adopted by reference in subsection 1 may be obtained free of charge from the Board upon written request.

3. If the standards adopted in paragraphs (a) and (b) of subsection 1 conflict, the more restrictive standards apply to the practice of audiology in this State.

4. If the standards adopted in subparagraphs (1) and (2) of paragraph (c) of subsection 1 conflict, the more restrictive standards apply to the practice of fitting and dispensing hearing aids in this State.

5. The Board will periodically review the standards adopted by reference in this section and determine whether any revision made to the standards is suitable for this State. If the Board determines that the revision is not suitable for this State, the Board will hold a public hearing to review its determination and give notice of that hearing within 90 days after the date of the publication of the revision. If, after the hearing, the Board does not revise its determination, the Board will give notice that the revision is not suitable for this State within 90 days after the hearing. If the Board does not give such notice, the revision becomes part of the publication adopted by reference pursuant to subsection 1.

6. A violation of the provisions of a code of ethics adopted by reference in this section constitutes cause for disciplinary action.

Sec. 17. NAC 637B.014 is hereby amended to read as follows:

637B.014 1. Except as otherwise provided in subsection 2, for the purposes of subsection 1 of NRS 637B.080, ***as amended by section 18 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 406,*** the provisions of chapter 637B of NRS do not apply to a person who holds a current ~~[credential]~~ ***endorsement*** issued by the Department of Education ***on or before September 30, 2026,*** pursuant to ~~[chapter 391 of]~~ NRS ***391.019*** and any regulations adopted pursuant thereto who engages in the practice of audiology or speech-language pathology, as applicable, ***solely*** within the scope of that ~~[credential]~~ ***endorsement*** if the person:

(a) Holds an active teacher's license issued pursuant to chapter 391 of NRS and an endorsement ***issued on or before September 30, 2026,*** to teach pupils who have hearing impairments or to teach pupils who have speech and language impairments;

(b) Is employed by a public educational institution; and

(c) Does not engage in the practice of audiology or speech-language pathology as an independent contractor or provide services in the private practice of audiology or speech-language pathology.

2. If a person who holds a current ~~[credential]~~ ***endorsement*** issued by the Department of Education pursuant to ~~[chapter 391 of]~~ NRS ***391.019*** and any regulations adopted pursuant thereto also holds a valid license to engage in the practice of audiology or the practice of speech-language pathology pursuant to the provisions of chapter 637B of NRS and any regulations adopted pursuant thereto, such a person is subject to the provisions of chapter 637B of NRS and any regulations adopted pursuant thereto ~~[to]~~ ***regardless of*** the ~~[extent that]~~ ***setting where*** he or she engages in the practice of audiology or speech-language pathology as an independent contractor or provides services in the private practice of audiology or speech-language pathology.

Sec. 18. NAC 637B.030 is hereby amended to read as follows:

637B.030 The Board will charge and collect the following fees:

Application fee ***for a standard license, temporary license, provisional license or limited license*** $150

Application fee for an apprentice license or assistant license.....75

Fee for a standard license or provisional license 100

Fee for an apprentice license or assistant license 50

Fee to exercise compact privilege pursuant to section 1 of Assembly Bill No. 230, chapter 327, Statutes of Nevada 2025, at page 2146 100

Fee for a temporary license 50

Fee for a limited license 25

Fee for renewal of a standard license or provisional license 100

Fee for renewal of an inactive or temporary license ..... ~~[50]~~ ***75***

Fee for renewal of an apprentice license or assistant license 75

Fee for renewal to exercise compact privilege 75

Reinstatement fee for a standard license or provisional license expired 30 days or more 100

Reinstatement fee for a standard license or provisional license expired less than 30 days 75

Reinstatement fee for an apprentice license or assistant license expired 30 days or more 75

Reinstatement fee for an apprentice license or assistant license expired less than 30 days 50

Examination fee 250

Fee for converting to a different type of license 50

Fee for each additional license ~~[or endorsement]~~ 50

Fee for obtaining license information 50

Sec. 19. NAC 637B.034 is hereby amended to read as follows:

637B.034 1. The Advisory Committee on Fitting and Dispensing Hearing Aids is composed of the following members:

(a) At least two members of the Board, one of whom must represent ~~[dispensing]~~ audiologists and one of whom must represent hearing aid specialists; and

(b) Not more than three additional members who are ~~[dispensing]~~ audiologists or hearing aid specialists or any combination thereof.

2. Each member of the Committee must be ~~[a dispensing]~~ ***an*** audiologist or hearing aid specialist licensed pursuant to chapter 637B of NRS, as applicable, at the time of his or her appointment and must maintain current licensure with the Board.

3. The Committee shall select a Chair from among the members of the Committee who are members of the Board.

4. The Committee shall make recommendations to the Board on all matters relating to the fitting and dispensing of hearing aids, including, without limitation:

(a) Regulations governing the fitting and dispensing of hearing aids;

(b) A program of apprenticeship for the fitting and dispensing of hearing aids;

(c) Examinations and passing scores for written and practical examinations for the fitting and dispensing of hearing aids; and

(d) Investigations of complaints relating to the fitting and dispensing of hearing aids.

5. A quorum of the Committee is three members, at least one of whom must be a member of the Board.

6. Each member of the Committee who is not a member of the Board serves without compensation.

Sec. 20. NAC 637B.035 is hereby amended to read as follows:

637B.035 1. Any person seeking licensure by the Board or seeking to renew, reinstate or change the type of a license issued by the Board must submit a completed application on a form provided by the Board.

2. ~~[Each]~~ ***Except as otherwise provided in this section, each*** application submitted pursuant to subsection 1 must be accompanied by payment of any fee prescribed by NAC 637B.030.

3. The Board may waive all or part of a fee required pursuant to this section at a meeting of the Board if the person submits a written request for a waiver. Such a request must include, without limitation, proof satisfactory to the Board of an extenuating circumstance that prevents the payment of the fee. If the Board denies the request, the Board may grant the person additional time to pay the required fee.

4. The Board may waive all or part of a fee required pursuant to this section for a group of affected persons at a meeting of the Board if it determines such a waiver is appropriate under the circumstances.

5. As used in this section, "extenuating circumstance" includes:

(a) Extreme illness or injury;

(b) Extreme financial or familial hardship;

(c) Military service; and

(d) Any other circumstance that the person demonstrates to the Board creates a hardship that prevents the payment of a fee required pursuant to this section.

Sec. 21. NAC 637B.036 is hereby amended to read as follows:

637B.036 1. Each standard and provisional license issued by the Board, including, without limitation, each standard license that has been converted to inactive status, expires 1 year after the date on which the license was issued.

2. An application to renew a license will not be approved unless the application is submitted not later than 30 days after the date on which the license expired.

3. An application for renewal of a license as an audiologist and a license as a speech-language pathologist may be submitted on a single application.

4. An application for the renewal of a provisional license as a hearing aid specialist ~~[for a second time]~~ ***who is subject to the provisions of section 5 of this regulation*** must include proof that the licensee ~~[has applied to take]~~ ***is actively engaged in*** the ~~[National Competency Examination administered by]~~ ***practice of fitting and dispensing hearing aids for*** the ~~[National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by]~~ ***purpose of completing*** the ~~[Board.]~~ ***on-site training and work experience required by section 5 of this regulation.***

Sec. 22. NAC 637B.0363 is hereby amended to read as follows:

637B.0363 ~~[1. Except as otherwise provided in subsection 2, the]~~ ***The*** Board may renew a provisional license to engage in the practice of fitting and dispensing hearing aids ~~[, which has been issued to a person pursuant to]~~ ***in accordance with*** NRS 637B.201, ~~[if the person has not:~~

~~(a) Completed the training required for certification by the National Board for Certification in Hearing Instrument Sciences;~~

~~(b) Achieved a passing score on the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board; or~~

~~(c) Completed the training pursuant to paragraph (a) and achieved a passing score on the examination pursuant to paragraph (b).~~

~~2.~~ ***as amended by section 28 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 410.*** The Board will not renew ~~[a]~~ ***the*** provisional license ~~[which has been issued to]~~ ***of*** a person who ~~[has:~~

~~(a) Completed]~~ ***is required to complete*** the ***on-site*** training ~~[required for certification by the National Board for Certification in Hearing Instruments Sciences; and~~

~~(b) Failed to apply to take the National Competency Examination administered by the National Board for Certification in Hearing Instrument Sciences, or its successor organization, or another comparable examination approved by the Board, at least 60 days before the expiration]~~ ***and work experience specified in section 5*** of ~~[the provisional license.]~~ ***this regulation unless he or she has actively engaged in the practice of fitting and dispensing hearing aids for the purpose of completing such on-site training and work experience during the immediately preceding year.***

Sec. 23. NAC 637B.0374 is hereby amended to read as follows:

637B.0374 1. A hearing aid specialist ~~[or dispensing audiologist]~~ must take the written portion and the practical portion of the examination concerning the practice of fitting and dispensing hearing aids prescribed pursuant to NRS 637B.194 and NAC 637B.0373 within 6 months after the Board issues a temporary license to engage in the practice of fitting and

dispensing hearing aids to the hearing aid specialist ~~[or dispensing audiologist]~~ pursuant to NRS 637B.200 ~~[.]~~ ***, as amended by section 27 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 410.***

2. Except as otherwise provided in subsection 3, the Board will renew a temporary license to engage in the practice of fitting and dispensing hearing aids, which has been issued to a hearing aid specialist ~~[or dispensing audiologist]~~ pursuant to NRS 637B.200, ***as amended by section 27 of Assembly Bill No. 177, chapter 76, Statutes of Nevada 2025, at page 410,*** for an additional 6 months if the hearing aid specialist ~~[or dispensing audiologist]~~ has:

(a) Taken the examination required pursuant to subsection 1; and

(b) Not achieved a passing score on the written portion or the practical portion of the examination.

3. If a hearing aid specialist ~~[or dispensing audiologist]~~ does not take the examination required pursuant to subsection 1 within the prescribed time, the temporary license expires and will not be renewed or reissued by the Board.

Sec. 24. NAC 637B.0391 is hereby amended to read as follows:

637B.0391 1. Except as otherwise provided in subsection 3, the in-service training of a person who has been issued an apprentice license by the Board pursuant to NRS 637B.195 must consist of:

(a) An academic portion, as set forth in NAC 637B.0392; and

(b) An on-site training and work experience portion which is competency-based, as set forth in NAC 637B.0394.

2. An apprentice shall participate in the in-service training set forth in subsection 1 under the direct supervision of a sponsor for a minimum of 2 years and, in accordance with NRS 637B.238, may not serve as an apprentice for more than 3 years without passing the examination set forth in NAC 637B.0373.

3. An apprentice is not required to participate in the in-service training required by this section if the apprentice:

(a) Holds an associate's degree in hearing instrument sciences which is approved by the National Board for Certification in Hearing Instrument Sciences; or

(b) Successfully completes a program of education or training in hearing instrument sciences which is approved by the Board.

4. ***An apprentice may receive credit for not more than 2 years of in-service training completed under the supervision of a licensed audiologist, licensed hearing aid specialist or equivalent licensee of the District of Columbia or another state or territory of the United States.***

5. If approved by the Board, an apprentice whose license as an apprentice expired but is reinstated may receive credit for not more than 2 years of in-service training completed during the initial license period.

Sec. 25. NAC 637B.0392 is hereby amended to read as follows:

637B.0392 1. The academic portion of the in-service training of an apprentice required by NAC 637B.0391 ***or training of a hearing aid specialist required by section 5 of this regulation*** must be specific to the training and education necessary to perform competently the duties and

responsibilities necessary for the practice of fitting and dispensing hearing aids and must include, without limitation, training and education concerning:

(a) Laws and rules relating to ethics;

(b) Federal laws and rules governing hearing aids;

(c) Infection controls;

(d) Basic hearing science;

(e) Hearing instrument science and fitting practices; and

(f) Audiometric testing and masking.

2. Except as otherwise provided in subsection 3, a customized program of academic training and a proposed curriculum must be submitted to the Board for evaluation and approval.

3. A program of academic training accepted by the National Board for Certification in Hearing Instrument Sciences, the International Hearing Society or an accredited institution of higher education that meets the minimum requirements of subsection 1 does not require the approval of the Board.

Sec. 26. NAC 637B.0394 is hereby amended to read as follows:

637B.0394 1. The on-site training and work experience portion of the in-service training of an apprentice required by NAC 637B.0391 ***or of the training of a hearing aid specialist required by section 5 of this regulation*** must consist of a minimum of 16 hours per week and 30 weeks per year and may be completed in conjunction with the academic portion of the in-service training set forth in NAC 637B.0392.

2. The on-site training and work experience portion must include, without limitation, the evaluation of the apprentice's ***or hearing aid specialist's*** achievement of core competencies concerning:

(a) Sanitation protocols;

(b) The identification and documentation of the needs of a client;

(c) Visual inspections of the ear and otoscopic examinations;

(d) Audiometric testing;

(e) The results of hearing evaluations;

(f) Ear impressions, preparations and molds;

(g) Physical and electronic checks of hearing aids;

(h) The fitting, programming, troubleshooting, adjusting and repairing of hearing aids; and

(i) Client documentation.

3. An apprentice ***or hearing aid specialist*** and his or her sponsor shall jointly:

(a) Review the progress of the apprentice in achieving each core competency set forth in subsection 2; and

(b) Document the proficiency of the apprentice in each core competency, by signature and date, on a form provided by the Board.

4. The Board may require a sponsor to provide to the Board:

(a) A report on the training of and core competencies achieved by an apprentice ~~[:]~~ ***or hearing aid specialist;*** and

(b) Proof of compliance with the supervisory responsibilities of the sponsor.

Sec. 27. NAC 637B.0396 is hereby amended to read as follows:

637B.0396 1. To be eligible to act as a sponsor of an apprentice, a hearing aid specialist or ~~[dispensing]~~ audiologist must:

(a) Hold a standard license that is on active status;

(b) Have experience as a hearing aid specialist ***for at least 3 years immediately preceding becoming a sponsor*** or ~~[dispensing]~~ ***as an*** audiologist ***who has fitted and dispensed hearing aids*** for ~~[a minimum of]~~ ***at least*** 3 years ~~[,]~~ ***immediately preceding becoming a sponsor;***

(c) Be employed by the same employer as the apprentice during the term of the on-site training and work experience portion of the in-service training of the apprentice; and

(d) Be in good standing with the Board and have no record of disciplinary action.

2. A hearing aid specialist or ~~[dispensing]~~ audiologist shall not sponsor more than two apprentices at one time, and an apprentice shall not have more than two sponsors at one time.

Sec. 28. NAC 637B.042 is hereby amended to read as follows:

637B.042 A licensee:

1. Shall not misrepresent, in advertising or otherwise, his or her education, training, type of license or certificate, qualifications, competence or service, or the results to be achieved if he or she provides service to a client.

2. Shall not engage in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids while the licensee is impaired by:

(a) Alcohol, drugs or any other chemical; or

(b) A mental or physical condition that prevents him or her from safely engaging in the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.

3. Shall not use his or her relationship with a client to further his or her own personal, religious, political or business interests.

4. Shall set and maintain professional boundaries with clients, interns and persons with whom the licensee works.

5. Shall not give or receive, directly or indirectly, a fee, commission, rebate or other compensation for professional services that the licensee has not actually and personally provided.

6. Except as otherwise provided in subsection 7, shall not disparage the qualifications of any colleague.

7. Shall report to the Board any unlicensed, unauthorized, unqualified or unethical practice of audiology, speech-language pathology or fitting and dispensing hearing aids that is occurring.

8. Shall not attempt to diagnose, prescribe for, treat or provide advice for any problem which is outside of his or her field of competence, the scope of the practice of audiology, speech-language pathology or fitting and dispensing hearing aids or the scope of his or her license or certificate.

9. Shall base his or her practice upon the recognized knowledge relevant to audiology, speech-language pathology or fitting and dispensing hearing aids.

10. Shall critically examine and keep current with emerging knowledge relevant to the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.

11. Based upon recognized knowledge and standards for the practice of audiology, speech-language pathology or fitting and dispensing hearing aids, shall prepare and maintain in a timely manner a record for each of his or her clients which:

(a) Sets forth his or her assessment of the problems of the client, plan of ~~[action]~~ ***care*** for the client, course of treatment to that client and progress notes regarding the course of treatment of the client; and

(b) Includes copies of other relevant documentation, including, without limitation:

(1) All documents relating to the informed consent given by the client;

(2) All documents relating to the release of information regarding the client; and

(3) All other legal documents regarding the client.

➥ As used in this subsection, "assessment" means an evaluation of the client that is based upon comprehensive information about the client.

12. Shall complete and submit any reports required by this chapter and chapter 637B of NRS, or pursuant to any rule, order or instruction of a court of competent jurisdiction, in a timely manner.

13. Shall comply with the provisions of this chapter and chapter 637B of NRS and all other applicable federal laws and regulations.

14. Shall not authorize a person under the supervision of the licensee to perform services that are outside of the scope of the license, certificate, training or experience of the person performing the services, or allow such a person to hold himself or herself out as having expertise in a field or activity in which that person is not qualified.

15. Shall notify the Board in writing within ~~[10]~~ ***30*** days after:

(a) An action is taken against any license, certification, registration or other credential held by the licensee that was issued by another state or territory of the United States;

(b) A criminal charge is filed against the licensee;

(c) The licensee is convicted of a criminal offense, other than a traffic offense which is a misdemeanor that does not involve alcohol or controlled substances;

(d) A civil action, including, without limitation, an action for malpractice, is filed against the licensee; or

(e) A settlement or judgment is made in any civil action, including, without limitation, an action for malpractice, in any case filed against the licensee for any act relating to the practice of audiology, speech-language pathology or fitting and dispensing hearing aids.

Sec. 29. NAC 637B.0442 is hereby amended to read as follows:

637B.0442 1. Except as otherwise provided in this section, a hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist may delegate certain duties to an unlicensed assistant if:

(a) The duty being delegated is within the scope of the license ~~[or endorsement]~~ of the hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist; and

(b) The hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist determines, before delegating a duty, that the unlicensed assistant possesses the necessary knowledge, competence, training and skills to perform the duty.

2. If a hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist delegates a duty to an unlicensed assistant, the hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist is responsible and civilly liable for any negligence or incompetence of the unlicensed assistant in performing the duty.

3. The duties that may be delegated to an unlicensed assistant pursuant to this section include, without limitation:

(a) Cleaning hearing aids and amplification devices;

(b) Repairing or replacing a broken part of a hearing aid with the same part;

(c) Replacing a thin tube or dome with a similar size or style;

(d) Replacing filters;

(e) Returning to a client a repaired hearing aid that does not require fitting, programming or adjusting;

(f) Accepting an in-office return of a hearing aid if a receipt is provided to the client to document proof of the return;

(g) Performing clerical, secretarial and general administrative duties, including, without limitation, providing information that is readily available to the general public;

(h) Greeting, escorting and scheduling clients;

(i) Packaging and mailing orders of ear molds, repaired devices and returns to manufacturers or laboratories;

(j) Maintaining inventories of supplies and checking the function of equipment;

(k) Performing checks on hearing aids and other amplification devices;

(l) Performing troubleshooting and minor repairs to hearing aids, earmolds and other amplification devices;

(m) Performing electroacoustic analysis of hearing aids and other amplification devices;

(n) Demonstrating alerting and assistive listening devices;

(o) Verbally instructing a client in proper ear hygiene;

(p) Assisting a hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist with treatment programs;

(q) Assisting a hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist with setup and technical tasks;

(r) Preparing materials for an ear impression;

(s) Maintaining and restocking test and treatment rooms;

(t) Performing equipment maintenance and biological checks;

(u) Performing infection control duties within the clinic;

(v) Assisting a client in completing a case history or other relevant forms;

(w) Interacting with a manufacturer or supplier of hearing instruments regarding the status of an order or repair; and

(x) Translating and interpreting only if the unlicensed assistant is fluent in a language other than English and has the necessary training and skills to perform such translation or interpretation.

4. The following duties that involve direct physical contact with a client or a hearing-related procedure or instrument may be delegated to an unlicensed assistant pursuant to this section:

(a) Instructing a client in the proper use and care of hearing aids and other amplification devices;

(b) Conducting hearing and tympanometric screening on older children and adults without interpretation;

(c) Conducting an otoacoustic emission screening;

(d) Performing a nondiagnostic otoscopy;

(e) Performing a pure-tone audiologic reassessment on an established client;

(f) Preparing a client for electronystagmography and videonystagmography or evoked testing;

(g) Assisting a hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist in testing the hearing of a pediatric client; and

(h) Performing a pure-tone hearing screening and universal newborn hearing screening test.

5. A hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist shall not delegate any duty to an unlicensed assistant pursuant to this section that requires professional or advanced training for the practice of audiology or fitting and dispensing hearing aids. Duties that may not be delegated pursuant to this section include, without limitation:

(a) Removing a hearing aid from or placing a hearing aid into a client's ear;

(b) Programming, adjusting or fitting a hearing aid;

(c) Conducting an interview, examination or evaluation relating to a client's hearing or hearing loss;

(d) Except for the duties that may be delegated to an unlicensed assistant pursuant to subsection 4, conducting any activity involving direct physical contact with a client and a hearing-related procedure or instrument;

(e) Determining case selection or evaluation protocols;

(f) Interpreting observations or data into a diagnostic statement of a clinical management strategy or procedure;

(g) Participating in a team or case conference or on any interdisciplinary team without the presence of a supervising audiologist or an audiologist designated by the supervising audiologist;

(h) Writing, developing or modifying a client's individualized treatment plan;

(i) Assisting a client without following the treatment plan prepared by the respective hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist without proper supervision;

(j) Composing or signing any formal document such as a treatment plan, reimbursement form, progress note or other report, as applicable;

(k) Transmitting or disclosing clinical information, either verbally or in writing, to anyone, including, without limitation, the client, without the approval of the supervising hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist;

(l) Selecting a client for treatment services or discharging a client from treatment services;

(m) Counseling or consulting with a client, a family member of a client or others regarding the client's status or treatment services or making referrals for additional services; and

(n) An unlicensed assistant referring himself or herself, either verbally or in writing, with a title other than the one designated by the supervising hearing aid specialist ~~[, audiologist]~~ or ~~[dispensing]~~ audiologist.

Sec. 30. NAC 637B.0446 is hereby amended to read as follows:

637B.0446 1. Except as otherwise provided in subsection 3, a hearing aid specialist or ~~[dispensing]~~ audiologist shall take the pertinent case history of, and perform personally the following minimum procedures bilaterally on, each prospective candidate for a hearing aid:

(a) Pure-tone audiometry, including air-conduction testing and bone-conduction testing through an annually calibrated system.

(b) Live voice audiometry, only if a separate sound-treated room is available, or recorded voice audiometry, including speech-reception threshold testing, most comfortable and

uncomfortable level testing, and speech discrimination testing presented through a speech audiometer.

(c) When applicable, effective masking.

(d) Before a hearing test and an ear impression is performed, an otoscopic examination of the ear canal in which the tympanic membrane is visualized.

(e) After an ear impression is performed, an otoscopic examination in which the tympanic membrane is visualized.

2. A hearing aid specialist or ~~[dispensing]~~ audiologist shall perform each procedure set forth in subsection 1 in a proper environment to obtain accurate results.

3. The minimum procedures set forth in subsection 1 are not required if the person supplies the hearing aid specialist or ~~[dispensing]~~ audiologist with complete results of the required tests which have been given within the immediately preceding 6 months by a qualified tester who is licensed pursuant to the provisions of this chapter and chapter 637B of NRS.

Sec. 31. NAC 637B.0448 is hereby amended to read as follows:

637B.0448 A hearing aid specialist or ~~[dispensing]~~ audiologist shall:

1. Provide for the service and repair of each hearing aid he or she sells or fits.

2. Provide to each person who orders or purchases a hearing aid from the hearing aid specialist or ~~[dispensing]~~ audiologist a bill of sale that includes:

(a) The name of the hearing aid specialist or ~~[dispensing]~~ audiologist, the address of the principal place of business of the hearing aid specialist or ~~[dispensing]~~ audiologist and the number of the license of the hearing aid specialist or ~~[dispensing]~~ audiologist;

(b) A description of the make, model and serial number of the hearing aid;

(c) The amount charged for the hearing aid and, if applicable, an itemization of any amount to be deducted from any refund;

(d) The condition of the hearing aid, indicating whether it is new, used or reconditioned;

(e) Any accessories provided with the hearing aid;

(f) The name of the person or entity responsible for providing a refund; and

(g) The manner in which a hearing aid may be returned, including the business location where the hearing aid may be returned and the business hours during which the hearing aid may be returned.

3. Provide to each person who purchases a hearing aid from the hearing aid specialist or ~~[dispensing]~~ audiologist a written guarantee that the person may return the hearing aid:

(a) Within 30 days after receipt of the hearing aid; or

(b) If the hearing aid is returned to the manufacturer for service or repair during the 30-day period, within 30 days after the hearing aid is returned to the possession of the person who purchased the hearing aid.

4. Schedule at least one appointment with each person who purchases a hearing aid from the hearing aid specialist or ~~[dispensing]~~ audiologist. The appointment must take place not later than 21 days after the hearing aid is delivered to the person.

5. Within 30 days after a hearing aid and all accessories that accompanied the hearing aid are returned in the same condition as that in which they were received, provide a refund to the person who purchased the hearing aid from the hearing aid specialist or ~~[dispensing]~~ audiologist.

Sec. 32. NAC 637B.045 is hereby amended to read as follows:

637B.045 1. A speech-language pathologist or audiologist shall prepare and retain health care records for each client he or she treats in accordance with NRS 629.051. As used in this subsection, "health care records" has the meaning ascribed to it in NRS 629.021.

2. A hearing aid specialist or ~~[dispensing]~~ audiologist shall prepare and retain records of fitting, servicing or dispensing a hearing aid for each client he or she treats. The records must be retained for not less than 5 years after the record is prepared and may be created, authenticated and stored in a computer system that limits access to those records or is maintained in any other form which ensures that the records are easily accessible by the hearing aid specialist or ~~[dispensing]~~ audiologist. Each record must include, without limitation:

(a) The name, address, telephone number and date of birth of the client;

(b) The medical history of the client as it relates to his or her loss of hearing;

(c) The dates on which the hearing aid was delivered, fitted and adjusted, and notations of all procedures performed on such dates, and, if applicable, the date of return or attempted return of the hearing aid;

(d) Audiograms of the client;

(e) The specifications of the hearing aid, including the serial number of the hearing aid as indicated by the manufacturer of the hearing aid;

(f) The settings for the hearing aid;

(g) The progress and disposition of the case; and

(h) A copy of the contract for the sale of the hearing aid.

Sec. 33. NAC 637B.400 is hereby amended to read as follows:

637B.400 1. Except as otherwise provided in subsection 2 of NAC 637B.403 and NAC 637B.430, as a prerequisite for each renewal of a standard license or provisional license, a licensee must complete, during the annual period immediately preceding the renewal, at least 10 hours of continuing education approved by the Board that directly pertains to the profession in which he or she holds a license issued by the Board, including at least 1 hour of continuing education relating to ethics, cultural competence, cultural humility, culturally responsive practices or diversity, equity and inclusion. If the licensee is ~~[~~a dispensing~~]~~ ***an*** audiologist ~~[,]~~ ***and has engaged in the practice of fitting and dispensing hearing aids in the immediately preceding 12 months or intends to engage in the practice of fitting and dispensing hearing aids in the immediately following 12 months,*** at least 3 of the 10 hours of continuing education must directly relate to the practice of fitting and dispensing hearing aids.

2. Legible copies of all receipts, records of attendance, certificates and any other evidence of a licensee's completion of a course of continuing education must be retained by the licensee and made available to the Board for inspection for not less than 3 years after the completion of the course.

3. The Board will conduct random audits of licensees to ensure compliance with the requirements of this section.

4. If a licensee completes more than the required number of hours of continuing education during one licensing period, the licensee is not allowed to credit the excess hours toward the required education for a subsequent period.

5. For the purposes of subsection 1, a course approved by the International Institute for Hearing ~~[~~Instruments~~]~~ ***Instrument*** Studies of the International Hearing Society, American

Academy of Audiology, American Speech-Language-Hearing Association, Academy of Doctors of Audiology or Educational Audiology Association is deemed to be approved by the Board.

Sec. 34. NAC 637B.720 is hereby amended to read as follows:

637B.720 1. Any person who believes that another person licensed by the Board has violated a provision of this chapter or chapter 637B of NRS may file a complaint with the Board on a form provided by the Board.

2. The Board may, on its own, initiate a complaint against a person licensed by the Board.

3. A complaint must, without limitation:

(a) Identify one or more grounds for disciplinary action; and

(b) Contain a statement of facts in sufficient detail to enable the Board to understand the allegations.

4. The Executive Director of the Board, in consultation with legal counsel, shall review each complaint and decide if the complaint merits an investigation.

5. The Executive Director of the Board shall bring before the Board any complaint found to have merit.

6. For any proceedings regarding a complaint filed against an apprentice, ***speech-language pathology provisional licensee or speech-language pathology assistant,*** the Board may require that the apprentice ***, speech-language pathology provisional licensee or speech-language pathology assistant*** be accompanied by any hearing aid specialist ***,*** ~~[or dispensing]~~ audiologist ***or supervising speech-language pathologist*** who signed, dated or reviewed a record regarding a patient related to the complaint.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

LCB FILE R026-25

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 637B.

1. **A clear and concise explanation of the need for the adopted regulation.**
   The need and purpose of the proposed regulation is to protect the public health, safety and welfare by ensuring that only qualified and competent speech-language pathologists, audiologists and hearing aid specialists are licensed in the state. The proposed regulation will provide clarity for the public, individuals and licensees through regulation regarding requirements for the following:

   Sections 2-3: "Direct Supervision" & "Indirect Supervision".
   Added to the chapter to address permissible types of supervision for SLP Assistants.

   Section 4: "Plan of Care"
   The existing chapter currently uses the term "plan of action" (NAC 637B.042) but with the addition of new sections addressing SLP Assistants, the term was revised to apply to the work of all three practice areas regulated by the Board more universally.

   Section 5: Hearing Aid Specialist Academic & On-site Training & Work Experience
   Existing law, NRS 637B.193, requires hearing aid specialist (HAS) applicants to hold National Board Certification in Hearing Instrument Sciences (NBC-HIS). This requirement was removed in section 24 of A.B. 177 (2025), as this certification is costly, requires passage of a paid examination, and is more appropriately targeted as an advanced certification for seasoned practitioners. However, this certification was a convenient vehicle to ensure an applicant had completed sufficient academic training and on-site training and work experience, so this section is intended to clearly delineate education & training required for licensure.

   Sections 6-9: SLP Assistant Clinical Training Plan
   An SLP Assistant applicant may be eligible for licensure by holding a Bachelor's degree in speech-language pathology or communication sciences and disorders, however the Board is aware that many undergraduate programs, including UNR and NSU struggle to provide students with much more than 10 hours of clinical observation, often due to a lack of opportunities or supervisors in the community. The Clinical Training Plan requirement was developed to allow applicants to obtain a license and begin working while completing additional training to obtain a total of 75 hours of clinical training (50 assisting & 25 observing) with additional supervision to supplement the undergraduate education and ensure competence for practice.

   Section 10: SLP Assistant Allowable & Prohibited Activities
   Not all activities within the SLP scope of practice are safe or permissible by an SLP Assistant; these sections delineate which activities are allowable when delegated to the assistant by the Supervising SLP, and activities that are always prohibited.

Sections 11-14: SLP Assistant Supervision
As a support role, the work of an SLP assistant must be supervised by at least one licensed supervising SLP, and these sections delineate how that supervision must be carried out.

Section 15: Disclosure of Familial or Dating Relationships
Both SLP assistants and hearing aid specialist (HAS) apprentices must be supervised by a licensed SLP or HAS at all times, and in some cases, these may be persons related to/known personally to them. These regulations do not prohibit these relationships in recognition of the lack of supervision options in some communities and in support of family businesses. But instead requires disclosure so the Board is aware of these relationships and can take this information into account should a complaint or concern arise regarding a supervisor or supervisee.

Section 16: Codes of Ethics
Allows application of a broader scope of standards to supplement the chapter in a more efficient way to stay up to date on evolving professional ethics.

Section 17: Applicability of Chapter
Supports the revision by A.B. 177 (2025) to limit exemption from the chapter to only a person who: 1) does not hold a license issued by this Board, 2) holds a current endorsement issued by the Nevada Department of Education (NDE) on or before September 30, 2026, and 3) provides SLP or audiology services as an employee in a public educational setting. This section ensures the Board has authority over all licensees regardless of employment setting. Those allowed to practice in Nevada or treat persons in Nevada without holding a Board license will be limited to a small number of staff working within NDE and "grandfathered" into their current role by recent revisions to NAC 391.

Section 18: Fees
Establishes lower initial and renewal license fees for SLP assistants and HAS apprentices, as they earn less than standard licensees. New fees for the issuance and renewal of a privilege-to-practice are established to support participation in the ASLP Interstate Compact, lower than full license fees as the "home" state will be responsible for conducting the full application review and renewal maintenance work. A $25 increase in the fee for renewal of an inactive or temporary license is included to supplement rising operational costs, but will impact a very small number of licensees.

Sections 19, 23, 27 and 29-34: "Dispensing" Audiologists & Hearing Aid Endorsement
Before the passage of A.B. 177 (2025), existing law required an audiologist who engaged in the practice of fitting and dispensing hearing aids to obtain and pay for an additional endorsement to do so, which required passage of both written and practical dispensing examinations. This requirement was deemed redundant as audiologists hold a doctoral degree with extensive clinical training, and most states allow fitting and dispensing without examination or endorsement. The requirement also delayed licensure and imposed additional costs on applicants. This will significantly expedite initial licensing, increase the number of audiologists able to practice in Nevada, and hopefully attract new providers to the state.

Section 20: Fee Waivers
This section will provide the Board with the flexibility to waive or reduce fees in cases of licensee hardship or when deemed necessary by administrative changes. For example, when A.B. 177 (2025) takes effect, current "dispensing" audiologists will have paid an additional $50 toward their license or

renewal for the repealed endorsement to fit and dispense hearing aids. This section will allow the Board to consider refunding all or part of those fees that will not apply after January 1, 2026.

Sections 21- 22: Hearing Aid Specialist Provisional License
As referenced in section 5, existing law, NRS 637B.193 requires hearing aid specialist (HAS) applicants to hold National Board Certification in Hearing Instrument Sciences (NBC-HIS) but was removed in A.B. 177 (2025). Under the current law, a provisional HAS license can be issued to a person meeting all other eligibility criteria for a license except this certification. This section establishes that a provisional license may be instead issued to a person meeting all other eligibility criteria for a license except the training referenced in section 5.

Section 23: "Dispensing" Audiologists & Hearing Aid Endorsement
Please see section 19.

Section 24: Apprentice Training Credit
Allows the Board to accept in-service training completed outside of Nevada to lessen the training time required of an apprentice, reducing costs for the apprentice and expediting their eligibility to obtain a standard license.

Sections 25-26: Hearing Aid Specialist Academic & On-site Training & Work Experience
Makes conforming changes related to section 5.

Section 27: Apprentice Sponsorship
Revises apprentice sponsor eligibility requirements as a conforming change to removal of "dispensing" audiologists referenced in section 19.

Section 28: Professional Responsibility
Revised/readopted 2/23/2026 to retain requirement for a licensee to notify the Board in writing after a criminal charge is filed against the licensee Retains a change from 10 days to 30 days within which a licensee is required to provide written notice to the Board concerning certain criminal, civil and disciplinary actions taken or filed against them.

Sections 29-33: "Dispensing" Audiologists & Hearing Aid Endorsement
Please see section 19.

Section 34: Complaints Against Licensees
The current chapter allows the Board to require a sponsor of a hearing aid specialist apprentice to be present at any proceeding regarding a complaint against the apprentice. This section extends that authority to SLPs and new SLP assistants, given that supervising SLPs will be responsible for supervising and signing off on SLPA work in the same manner.

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.

A **Public Workshop** was held to solicit comments on the proposed regulations on **July 9, 2025.** Public comment was solicited through the dissemination of a *Notice of Public Workshop* that was sent/posted on June 16, 2025 as follows:

- **Emailed to:** All licensed speech-language pathologists, audiologists, hearing aid specialists, and all persons on the Board's mailing list for administrative regulations.
- **Deposited with** the State Library, Archives And Public Records Administrator.
- **Posted at the following physical locations:** State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523.
- **Posted online at the following websites:**
  - Nevada Speech-Language Pathology, Audiology And Hearing Aid Dispensing Board: https://www.nvspeechhearing.org/about/minutes.asp
  - State of Nevada Public Notices: www.notice.nv.gov
  - Nevada Legislature Administrative Regulation Notices, Meetings and Workshops: https://www.leg.state.nv.us/app/notice/a/

There were 11 individuals representing businesses, licensees, and the general public in attendance at the Workshop. One written comment was received from the American Speech-Hearing Association (ASHA) in support of the regulations and suggesting amendments regarding a number of areas related to speech-language pathology assistants. The following amendments were approved based on this public comment:

- *Section 17: Applicability of chapter.* Section 2, correct numbering error to redesignate as (1)(c). *Section 6:* Revised "an educational institution" to "an accredited institution" per ASHA public comment and consensus that the term is more appropriate.
- *Section 7: SLPA Clinical Training Plan.* Revise "60 days" to "90 days". Section 7.b. revise "120 days" to "180 days", per ASHA public comment and consensus that 90 days is reasonable to allow for completion of the Clinical Training Plan.
- *Section 10: SLPA Allowable & Prohibited Activities.* Revise "Treat a medically fragile client without direct supervision" to "Treat a medically fragile client without 100% direct supervision" per ASHA public comment and consensus that the addition of "100%" will clarify the language to ensure patient safety.
- *Section 12: SLPA Supervision Ratios. "*A supervising speech-language pathologist is responsible for determining the appropriate number of supervisees they can manage within their workload while maintaining the highest level of quality services provided. A supervising speech-language pathologist may not be the supervisor of record for a combined total of no more than three full-time equivalent persons listed below at the same time: (a) Provisional licensees; (b) Speech-language pathology assistants; (c) Students, per ASHA public comment and significant discussion on appropriate ratios to clarify the language to ensure patient safety.

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at: 6170 Mae Anne Avenue,

Suite 1, Reno, Nevada 89523. Phone: (775) 787-3421. Email: board@nvspeechhearing.org Website: https://www.nvspeechhearing.org/about/Minutes.asp

A **Public Hearing** was held to solicit comments on the proposed regulations on **October 15, 2025.** Public comment was solicited through the dissemination of a *Notice of Intent to Act Upon a Regulation* that was sent/posted on September 9, 2025 as follows:

- **Emailed to:** All licensed speech-language pathologists, audiologists, hearing aid specialists, and all persons on the Board's mailing list for administrative regulations.
- **Deposited with** the State Library, Archives And Public Records Administrator.
- **Posted at the following physical locations:** State Of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523.
- **Posted online at the following websites:**
  - Nevada Speech-Language Pathology, Audiology And Hearing Aid Dispensing Board https://www.nvspeechhearing.org/about/minutes.asp
  - State of Nevada Public Notices: www.notice.nv.gov
  - Nevada Office of Emergency Management (OEM) Recovery Website (per state cyberattack): https://www.oem.nv.gov/recovery/
  - Nevada Legislature Administrative Regulation Notices, Meetings And Workshops: https://www.leg.state.nv.us/app/notice/a/

There were nineteen (19) individuals representing businesses, licensees, and the general public in attendance at the Public Hearing. No oral or written public comment was offered.

A **Second Public Hearing** was held to solicit comments on the proposed regulations on **February 23, 2026 after the Board approved a minor revision to Section 28 at its meeting of January 14, 2026.** Public comment was solicited through the dissemination of a *Notice of Intent to Act Upon a Regulation* that was sent/posted on January 20, 2026 as follows:

- **Emailed to:** All licensed speech-language pathologists, audiologists, hearing aid specialists, and all persons on the Board's mailing list for administrative regulations.
- **Deposited with** the State Library, Archives And Public Records Administrator.
- **Posted at the following physical locations:** State Of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Specialists Board Office, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523.
- **Posted online at the following websites:**
  - Nevada Speech-Language Pathology, Audiology And Hearing Aid Dispensing Board https://www.nvspeechhearing.org/about/minutes.asp
  - State of Nevada Public Notices: www.notice.nv.gov
  - Nevada Office of Emergency Management (OEM) Recovery Website (per state cyberattack): https://www.oem.nv.gov/recovery/
  - Nevada Legislature Administrative Regulation Notices, Meetings And Workshops: https://www.leg.state.nv.us/app/notice/a/

There were five (5) individuals representing businesses, licensees, and the general public in attendance at the Second Public Hearing. No oral or written public comment was offered.

A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523. Phone: (775) 787-3421. Email: board@nvspeechhearing.org Website: https://www.nvspeechhearing.org/about/Minutes.asp

3. **The number of persons who:**
   - **a) Attended the First Public Hearing:** 19
   - **b) Testified at the First Public Hearing** 0
   - **c) Submitted written comments to the First Public Hearing:** 0

   The number of persons who:
   - **a) Attended the Second Public Hearing:** 5
   - **b) Testified at the Second Public Hearing** 0
   - **c) Submitted written comments to the Second Public Hearing:** 0

4. **For each person identified in paragraphs (c) and (d) of #3 above, the following information if provided to the agency conducting the hearing:**
   Not applicable as no oral or written public comments were received at either Public Hearing.

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**
   Comments were solicited from affected businesses in the same manner as they were solicited from the public. The one written comment received during the workshop was received from the American Speech-Hearing Association (ASHA), a national advocacy and professional practice organization. A copy of this summary of the public response to the adopted regulation may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board at: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523. Phone: (775) 787-3421. Email: board@nvspeechhearing.org. Website: https://www.nvspeechhearing.org/about/Minutes.asp

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 regulations were initially developed over the course of six public meetings held between February 2024 and January 2025 by the Board's Speech-Language Pathology Subcommittee, and were reviewed during the Board's January 2025 meeting, providing ample opportunity for the public to review and provide input leading up to the Public Workshop and Public Hearing. Edits suggested in a written public comment received at the Public Workshop on July 9, 2025 from the American Speech-hearing Association (ASHA) were included in the language sent to LCB for drafting in July 2025. There was no public comment at the October 15, 2025 Public Hearing and the regulations were adopted without changes from the language drafted by LCB in R026-25P.

The regulation was subsequently approved for revision by the Board on January 14, 2026 following a hearing by the Legislative Commission on December 17, 2025 where concerns were raised regarding a revision in Section 28 to remove the requirement for licensees to report a criminal charge to the Board. This previous deletion was revised to be retained, triggering the Second Public Hearing held February 23, 2026.

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

(a) Both adverse and beneficial effects; and

There is no expected adverse economic effect of these adopted regulations on businesses or the general public. The Board only regulates individuals in the practice of speech-language pathology, audiology and the fitting and dispensing of hearing aids. The following sections will directly benefit businesses, practitioners, and the general public as follows:

- The regulations support removal of the requirement for audiologists to pass examinations that may delay licensure and maintain a special endorsement at an additional cost.
- The regulations support new licensing for SLP Assistants to support SLPs in Nevada and expand care and access to patients.
- The regulations support removal of the requirement for hearing aid specialists to hold NBC-IHS certification for licensure, which currently delays licensing and imposes an additional cost.
- The regulations establish lower fees for assistants and apprentices, and a new privilege-to-practice fee to support ASLP Interstate Compact participation.

(b) Both immediate and long-term effects.

Both immediate and long-term effects will include improving and clarifying existing law and regulatory requirements, increasing licensing opportunities across all three practice areas regulated by the Board, and increasing patient access to highly qualified, licensed practitioners. Businesses may experience the effect of more permissive regulations and more licensed providers to employ.

8. The estimated cost to the agency for enforcement of the adopted regulations.

There are no additional costs involved in the enforcement of these adopted regulations.

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.

The Board is not aware of any similar federal, state, or local standards regulating speech-language pathology, audiology and hearing aid dispensing professions. The adopted regulations do not duplicate any federal, state or local standards.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The Board is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

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.

Section 18 establishes:

- New fees for the issuance and renewal of a privilege-to-practice through the ASLP Interstate Compact.
- New fees for the issuance, renewal, and reinstatement of apprentice and assistant licenses, set lower than standard license fees.
- A $25 increase in the fee for renewal of an inactive or temporary license.

We are unable to determine the amount of these fees to be collected. The Board is self-funded, and all fees collected support Board operations.

State of Nevada
Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 233B.0608

LCB File No. R026-25 | July 23, 2025

1. **A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

It was determined that the proposed regulation did not impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. The Board used informed, reasonable judgment in making the determination, due to the nature of the regulation changes. The regulations do the following:

During the 2025 Legislative Session, the Legislature enacted Assembly Bill 177 (AB177) which added new licensing for speech-language pathology assistants (SLP assistant), revised licensing requirements for audiologists and hearing aid specialists (HAS), and made a number of other administrative and conforming changes.

The regulations do the following:

Section 1	Amendment of Chapter	
Section 2	Defines "Direct Supervision	
Section 3	Defines "Indirect Supervision"	
Section 4	Defines "Plan of Care"	
Section 5	Revises has standard, temporary, & provisional license requirements	
Section 6	Establishes SLP assistant clinical training requirement	
Section 7	Establishes SLP assistant clinical training plan components	
Section 8	Addresses SLP assistant clinical training plan & inactive status when unable to practice	
Section 9	Establishes SLP assistant clinical training plan duties & responsibilities	
Section 10	Establishes SLP assistant required duties and prohibited activities	
Section 11	Prescribes SLP assistant supervising SLP & reporting requirements	
Section 12	Prescribes supervising SLP eligibility requirements	
Section 13	Establishes general duties of a supervising SLP	
Section 14	Establishes supervising SLP delegation authority	
Section 15	Requires disclosure of SLPA/supervising SLP & HAS-A/sponsor family/dating relationships	
Section 16	Adopts codes of ethics & establishes violations as grounds for disciplinary action	
Section 17	NAC 637B.014	Revises licensing exceptions for school-based personnel per AB177
Section 18	NAC 637B.030	Revises application, issuance, renewal, & privilege-to-practice fees
Section 19	NAC 637B.034	Removes references to dispensing audiologists
Section 20	NAC 637B.035	Authorizes the Board to waive all or part of a fee
Section 21	NAC 637B.036	Revises HAS provisional license renewal requirements
Section 22	NAC 637B.0363	Revises HAS provisional license renewal requirements
Section 23	NAC 637B.0374	Removes references to dispensing audiologists
Section 24	NAC 637B.0391	Authorizes prior training credit for apprentices

Section 25	NAC 637B.0392	Applies apprentice in-service training requirements to HAS applicants
Section 26	NAC 637B.0394	Applies apprentice in-service training requirements to HAS applicants
Section 27	NAC 637B.0396	Revises sponsor requirements & references to dispensing audiologists
Section 28	NAC 637B.042	Revises adverse action reporting requirements & adds "plan of care"
Section 29	NAC 637B.0442	Removes references to dispensing audiologists
Section 30	NAC 637B.0446	Removes references to dispensing audiologists
Section 31	NAC 637B.0448	Removes references to dispensing audiologists
Section 32	NAC 637B.045	Removes references to dispensing audiologists
Section 33	NAC 637B.400	Revises continuing education requirements for audiologists
Section 34	NAC 637B.720	Removes references to dispensing audiologists
Section 35		Effective Date

Comments were solicited from affected businesses in the same manner as they were solicited from the public. No comments were received from small businesses.

A summary of the public response to the proposed regulations may be obtained from the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523, (775) 787-3421, or email to board@nvspeechhearing.org.

Copies of the proposed regulations and notices of workshops were sent and posted as follows:

- Sent via email to the following:
  - All Nevada licensed Speech-Language Pathologists, Audiologists, and Hearing Aid Specialists
  - All persons on the agency's mailing list for administrative regulations
- Posted online at the following websites:
  - NV Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board www.nvspeechhearing.org
  - Nevada Public Notices https://notice.nv.gov/
  - Nevada Legislature Administrative Regulation Notices https://www.leg.state.nv.us/App/Notice/A/
- Posted at the following physical location: State of Nevada, Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board Administrative Office: 6170 Mae Anne Avenue, Suite 1, Reno, Nevada 89523
- Deposited with the Nevada State Library, Archives and Public Records

2. **The manner in which the analysis was conducted, including the methods used to determine the impacts of the proposed regulation on small business.**
The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the nature of the regulation changes. In making this determination, the Board considered whether or not the practice of speech-language pathology, audiology, and hearing aid dispensing practitioners regulated by the Board will be impacted. On the whole, the speech-language pathology, audiology and hearing aid dispensing practices will not be impacted to any degree that a small business will be affected.

3. **The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation: (a) Adverse and beneficial effects; and (b) Immediate and long-term effects.**
The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board has determined that the

adopted regulations do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

a) **Adverse and Beneficial Effects:** There will be no adverse economic effect of these adopted regulations on small businesses. The Board regulates individuals in the practice of speech-language pathology, audiology and the fitting and dispensing of hearing aids. The following sections will directly benefit small businesses and the speech-language pathology, audiology and hearing aid dispensing practitioners as follows:
   - The regulations support removal of the requirement for audiologists to pass examinations that may delay licensure and maintain a special endorsement at an additional cost.
   - The regulations support new licensing for SLP Assistants to support SLPs in Nevada and expance care and access to patients.
   - The regulations support removal of the requirement for hearing aid specialists to hold NBC-IHS certification for licensure, which currently delays licensing and imposes an additional cost.
   - The regulations establish lower fees for assistants and apprentices, and a new privilege-to-practice fee to support ASLP Interstate Compact participation.

b) **Direct and Indirect Effects:** Direct effect will be to improve and clarify existing law and regulatory requirements. Indirectly, small businesses may experience the effect of more permissive regulations.

4. **A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**
   The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the content and nature of the regulation changes. No other methods were utilized.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**
   There are no additional costs involved in the enforcement of these adopted regulations.

6. **If the proposed 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.
   Section 18 establishes:
   - New fees for the issuance and renewal of a privilege-to-practice through the ASLP Interstate Compact.
   - New fees for the issuance, renewal, and reinstatement of apprentice and assistant licenses, set lower than standard license fees.
   - A $25 increase in the fee for renewal of an inactive or temporary license.

   We are unable to determine the amount of these fees to be collected, but the Board is self-funded and all fees collected support Board operations.

7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**
   The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board is not aware of any similar federal, state or local standards regulating the practice of speech-language pathology, audiology and hearing aid dispensing. These adopted regulations do not duplicate nor are they more stringent than federal, state or local standards. The impetus for these regulations, AB177 (2025) aligned the Board's practice law with the FDA Final Rule on Over the Counter hearing Aids.

8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**
The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board regulates the practice of speech-language pathology, audiology and fitting and dispensing of hearing aids and licenses qualified individuals as speech-language pathologists, audiologists and hearing aid specialists. The adopted regulations do not impact small businesses as the majority of the revisions in the regulations are either administrative in nature or are permissive than the current versions.

I hereby certify to the best of my knowledge or belief a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was properly prepared, and the information contained herein is accurate.



Jennifer R. Pierce, Executive Director

R087-25

REVISED ADOPTED REGULATION OF

THE STATE BOARD OF NURSING

LCB File No. R087-25

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

AUTHORITY: §§ 1-4, NRS 632.120, as amended by section 70 of Assembly Bill No. 319, chapter 246, Statutes of Nevada 2025, at page 1634.

A REGULATION relating to nursing; authorizing the delegation of clinical tasks to medical assistants under certain conditions; prohibiting a delegating practitioner from taking certain actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Nursing to adopt regulations establishing requirements governing the supervision of a medical assistant. (NRS 632.120, as amended by section 70 of Assembly Bill No. 319, chapter 246, Statutes of Nevada 2025, at page 1634) **Section 2** of this regulation defines the term "delegating practitioner" to mean a registered nurse who delegates a clinical task to a medical assistant. **Section 3** of this regulation prescribes the conditions under which a delegating practitioner may delegate a clinical task to a medical assistant. **Section 3** also requires the employer of a medical assistant to document in the employment record of a medical assistant that the medical assistant is properly trained and competent to perform a delegated clinical task. **Section 3** additionally requires that a delegating practitioner be immediately available to supervise a medical assistant's performance if the clinical task involves an invasive procedure. Finally, **section 3** prohibits a medical assistant from making a diagnosis, initiating any treatment or prescribing any drug.

Section 4 of this regulation provides that a delegating practitioner is responsible for the safety and performance of a clinical task by a medical assistant. **Section 4** also prohibits a delegating practitioner from taking certain actions when delegating a clinical task to a medical assistant.

Section 1. Chapter 632 of NAC is hereby amended by adding thereto the provisions set forth as sections **2,** 3 and 4 of this regulation.

Sec. 2. *As used in sections 2, 3 and 4 of this regulation, unless the context otherwise requires, "delegating practitioner" means a registered nurse, including, without limitation, an advanced practice registered nurse, who delegates the performance of a clinical task to a medical assistant pursuant to section 3 of this regulation.*

Sec. 3. *1. Except as otherwise provided in this section, a delegating practitioner may delegate the performance of a clinical task to a medical assistant if:*

(a) The delegating practitioner knows that the medical assistant possesses the knowledge, skill and training to perform the clinical task safely and properly;

(b) The medical assistant is not required to be certified or licensed to perform the clinical task;

(c) The medical assistant is employed by the delegating practitioner or the medical assistant and the delegating practitioner are employed by the same employer; and

(d) The employer of the medical assistant has complied with the requirements of subsection 2 as they relate to the clinical task.

2. The employer of a medical assistant shall document in the employment record of the medical assistant that the medical assistant has been appropriately trained and is competent to perform any clinical task or procedure delegated to the medical assistant.

3. Except as otherwise provided in section 4 of this regulation, if a delegating practitioner delegates to a medical assistant a clinical task which involves an invasive procedure, the delegating practitioner must be immediately available to exercise oversight in person while the medical assistant performs the clinical task.

4. A medical assistant shall not make a diagnosis, initiate any treatment or prescribe any drug.

Sec. 4. *A delegating practitioner retains responsibility for the safety and performance of each clinical task which is delegated to a medical assistant. A delegating practitioner shall not:*

1. Delegate a clinical task that is not within the authority, training, expertise or normal scope of practice of the delegating practitioner;

2. Transfer to another registered nurse the responsibility of supervising a medical assistant during the performance of a clinical task unless the registered nurse knowingly accepts that responsibility;

3. Authorize or allow a medical assistant to delegate the performance of a clinical task delegated to the medical assistant to any other person; or

4. Delegate or otherwise allow a medical assistant to administer an anesthetic agent which renders a patient unconscious or semiconscious.

NEVADA STATE BOARD OF NURSING
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE R087-25

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

   This regulation is necessary following the enactment of Assembly Bill 319 at the 2025 Nevada Legislative Session to provide guidance to Advanced Practice Registered Nurses and Registered Nurses in the delegation and/or supervision of Medical Assistants.

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

   Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulation were sent by U.S. Mail and email to all persons on the Board's email list for noticing of administrative regulations; By email for posting by the Nevada State Library, Archives and Public Records Administrator; By email for posting by the Nevada Legislature; By email for posting by the Nevada Legislative Counsel Bureau; Publishing to the Nevada Legislature website: https://leg.state.nv.us/; Publishing to the Nevada State Board of Nursing website: https://nevadanursingboard.org; and Publishing to the State of Nevada Public Notice website: https://notice .nv.gov/. These documents were also made available at the offices of the Nevada State Board of Nursing at:

   Nevada State Board of Nursing
   6005 Plumas Street
   Suite 100
   Reno, NV 89509

   Nevada State Board of Nursing
   5820 S. Eastern Ave.
   Suite 200
   Las Vegas, NV 89119

   A summary of the public response would be mixed. Nevada Hospitals' comments were in favor of the regulation and labor unions were in opposition to the regulation. Specifically, two Unions: National Nurses Organizing Committee - National Nurses United and Service Employees International Union provided comments in opposition to all or parts of the regulation. Representatives from two Nevada Hospitals and the Nevada Hospital Association provided comments in support of the regulation. One individual, who serves on the Nevada Advanced Practice Nurses Association and also in a Union role provided comments in support of the regulation.

   Interested persons may obtain a copy of the summary of the public comments by accessing the Nevada State Board of Nursing's website where all the information regarding the regulatory process can be found. Additionally, any interested person can call or drop by either of the Board's offices to discuss the regulation, or look at any of the written minutes of the meetings, workshops, and hearings on the regulation.

3. **The number of person who:**

(a) Attended each hearing:

November 4, 2025 – 19 persons attended the workshop
January 14, 2026 – 32 persons attended the hearing
March 11, 2026 – 28 persons attended the hearing on revised reg

(b) Testified at each hearing:

November 4, 2025 – 3 persons testified at the workshop
January 14, 2026 – 10 persons testified at the hearing
` March 11, 2026 – 2 persons testified at the hearing on revised reg

(c) Submitted to the agency written comments: The following written comments were submitted.

On November 4, 2025, the Nevada State Board of Nursing conducted a workshop on LCB File No. R987-25. The National Nurses Organizing Committee - National Nurses United submitted one email with comments and two written comments.

On January 14, 2026, the Nevada State Board of Nursing conducted a hearing on LCB File No. R87-25. Three written comments were received.

Jonlyn Miller from National Nurses Organizing Committee - National Nurses United provided verbal comments and submitted written comments.

Chelsey Booker from National Nurses United – Nevada provided verbal comments and submitted written comments.

Nevada Advanced Practice Nurses Association submitted written comments.

On March 11, 2026, The Nevada State Board of Nursing conducted another hearing on the regulation after comments were received at the Legislative Commission meeting on the regulation. After the intent to remove Section 4 of the proposed regulation, the Service Employees International Union and the National Nurses United indicated they would withdraw their objections to the proposed regulation.

4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3.**

The Hearing was held as an agenda item during the Nevada State Board of Nursing's January 2026 Board meeting. Appearance at the Board meeting and therefore the Hearing was possible by in person attendance and also by virtual means. This means that it is almost impossible to determine who is attending the hearing if the person mutes their microphone and turns off their camera. Then, if a person wishes to make a verbal statement, that person unmutes their microphone and makes the statement. Only then, can it be determined who that person is, and what kind of statement will be made.

Telephone numbers and email addresses are not required to attend the open meeting and are rarely provided.

Here are the people that provided positive comments on the regulation:

Melodie Osborn, Chief Nurse Executive, Renown Health
Keri Piper Colonna, Administrative Director Clinical, Renown Health
Janelle Hoover, Chief Nursing Officer, Carson Tahoe Health
Jeanine Packham, member Nevada Advanced Practice Nurses Association, President of the American Federation of Government Employees – AFGE Local 2152
Natasha Lukasiewich, Director of Workforce & Clinical Services, Nevada Hospital Association
Amy Booth, APRN, Cardiology Lab, Renown Health

Here are the people that provided comments in opposition to all or parts of the regulation:

Jonlyn Miller, Lead Nursing Practice and Policy Specialist, National Nurses Organizing Committee Nevada – National Nurses United
Jody Domineck, Secretary and Treasurer, Service Employees International Union, SEIU 1107
Natalia Jordan, Political Director, Service Employees International Union, SEIU 1107
Chelsey Booker, Registered Nurse, National Nurses United – Nevada

On March 11, 2026, The Nevada State Board of Nursing conducted another hearing on the regulation after comments were received at the Legislative Commission meeting on the regulation. After the intent to remove Section 4 of the proposed regulation, the Service Employees International Union and the National Nurses United indicated they would withdraw their objections to the proposed regulation.

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 comments were received from businesses that might be impacted by the new Nevada Revised Statute that would allow Advanced Practice Registered Nurses and Registered Nurses to supervise Medication Assistants. Public Comments were solicited from health care facilities in the same way that comments were solicited from the general public.

Interested persons may obtain a copy of the summary of the public comments sought from businesses by accessing the Nevada State Board of Nursing's website where all the information regarding the regulatory process can be found. Additionally, any interested person can call or drop by either of the Board's offices to discuss the regulation, or look at any of the written minutes of the meetings, workshops, and hearings on the regulation.

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 original language approved by the Board was submitted to the Legislative Counsel Bureau. Although refined by the Legislative Counsel Bureau, the language did not materially change the meaning and intent of the original language. At the January14, 2026, Board meeting, the Nevada State Board of Nursing adopted LCB File No. R087-25 without change.

However, at the February 26, 2026, Legislative Commission meeting, comments were received such that a revision of LCB File No. R087-25 seemed prudent. Therefore, on March 11, 2026, The Nevada State Board of Nursing conducted another hearing on the regulation. At the March 11, 2026, regulation hearing, the Nevada State Board of Nursing adopted LCB File No. R087-25 with the amendment that deleted the entire Section 4 of the proposed regulation regarding the remote supervision of medical assistants. The amendment by deletion of Section 4 of the proposed regulation was taken based on the comments received from Legislators at the Legislative Commission meeting.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
   (a) Both adverse and beneficial effects; and
   (b) Both immediate and long-term effects.

(a) Both adverse and beneficial effects on the businesses which it is to regulate.

Adverse Effects
The Nevada State Board of Nursing does not anticipate any adverse economic impact from this regulation on businesses it is to regulate. Comments were provided about public safety and the impact on an individual nursing license, but overall the effects would not be an impact on businesses.

Beneficial Effects
The beneficial effects of this regulation on businesses it is to regulate will be that perhaps businesses that employ Advanced Practice Registered Nurses and Registered Nurses may hire more Medical Assistants now that supervision and delegation may occur.

Both adverse and beneficial effects on the public.

Adverse Effects
The Nevada State Board of Nursing does not anticipate any adverse economic impact from this regulation on the public. The comments balanced between those comments

supporting greater access to healthcare and those comments that claimed the delegation would be negative to nursing licensure.

Beneficial Effects
The beneficial effects of this regulation on the public will be that perhaps businesses that employ Advanced Practice Registered Nurses and Registered Nurses may hire more Medical Assistants now that supervision and delegation may occur.

(b) Both immediate and long-term effects on the businesses which it is to regulate.

Immediate Effects
The Immediate Effects of the regulation would be is to protect public health through the addition of health care providers that can be part of the health care team with the new ability to receive delegated tasks.

Long-Term Effects
The long-term effects would be the same as the Immediate Effects of the regulation.

Both immediate and long-term effects on the public.

Immediate Effects
The Immediate Effects of the regulation on the public would be the additional hiring of additional health care providers that can be part of the health care team with the new ability to receive delegated tasks.

Long-Term Effects
The long-term effects would be the same as the Immediate Effects of the regulation.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the Nevada State Board of Nursing 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.

There are no other state or government agency regulations that the proposed regulation duplicates.

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 no federal regulations that apply.

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 a new fee or increase an existing fee.

JOE LOMBARDO
Governor

DR. KRISTOPHER SANCHEZ
Director

PERRY FAIGIN
NIKKI HAAG
MARCEL F. SCHAERER
Deputy Directors

CATHY DINAUER
Executive Director

STATE OF NEVADA

DEPARTMENT OF BUSINESS AND INDUSTRY
OFFICE OF NEVADA BOARDS, COMMISSIONS AND COUNCILS STANDARDS

NEVADA STATE BOARD OF NURSING

Small Business Impact Statement

EFFECTIVE DATE OF REGULATION
Upon filing with the Nevada Secretary of State

LCB File R087-25

The following information is provided pursuant to NRS 233B.0609.

1. A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

(a) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested parties may obtain a copy of the summary. NRS 233B.0609(1)(a).

The Nevada Legislature passed Assembly Bill 319 passed during the 2025 Nevada Legislative Session. AB 319 allows Advanced Practice Registered Nurses (APRN) and Registered Nurses (RN) to supervise Medical Assistants (MA). Specifically, AB 319 allows MAs to perform clinical tasks under the supervision of APRNs and RNs. AB 319 changed the possibilities involving supervision between healthcare providers. There is nothing in AB 319 that involves small businesses.

(b) The manner in which the analysis was conducted. NRS 233B.0609(1)(b).

This regulation is offered to align NAC chapter 632 with AB 319. There was no analysis for impacts on small businesses during the legislative process. The proposed regulation changed the possibilities involving supervision between healthcare providers. The regulation will not impact small businesses.

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation: NRS 233B.0609(1)(c).

(1) Both adverse and beneficial effects: and

Adverse: It is anticipated this regulation will have no adverse effects on Nevada small businesses.

Beneficial: It is anticipated this regulation will be beneficial to small businesses in Nevada.

(2) Both direct and indirect effects

Direct: It is anticipated this regulation will be a direct beneficial effect on small businesses.

Indirect: It is anticipated this regulation will have a beneficial indirect effect on small businesses.

(d) A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods. NRS 233B.0909(1)(d).

This regulation is offered to align NAC chapter 632 with AB 319. The proposed regulation changes the possibilities involving supervision between healthcare providers. The regulation will not impact small businesses.

(e) The estimated cost to the agency for enforcement of the proposed regulation. NRS 233B.0909(1)(e).

The regulation will not create any additional requirements or costs for Board staff to enforce the regulation.

(f) If the proposed 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. NRS 233B.0909(1)(f).

This regulation will have no impact on fees.

(g) If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary. NRS 233B.0909(1)(g).

This regulation does not duplicate any existing federal, state, or local standards.

(h) The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses NRS 233B.0609(1)(h)

This regulation is offered to align NAC chapter 632 with AB 319. The proposed regulation changes the possibilities involving supervision between healthcare providers. The regulation will not impact small businesses.

I, Cathy Dinauer, Executive Director of the Nevada State Board of Nursing, hereby certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that this statement was prepared properly, and the information contained herein is accurate. NRS 233B.0609(2)

Dated: December 11, 2025

Cathy Dinauer, MSN, RN
Executive Director
Nevada State Board of Nursing