

NEVADA DEPARTMENT OF EDUCATION

April 22, 2024

3:00 PM

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

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting, and public comment will be taken under each 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 call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@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 Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials page](#) (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by 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. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

AGENDA

1. CALL TO ORDER

2. PUBLIC COMMENT #1

Public comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The Department will impose a time limit of three minutes. Please hold comments specific to a given workshop until public comment is called upon for that workshop specifically.

3. 3:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 385.015 – REMOVE IDENTIFICATIN NUMBERS ON PUPILS RECORDS IN PUBLIC SCHOOLS (For possible action)

The proposed changes seek to remove social security numbers on public school pupil records .

- Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

4. 3:08 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.660– RELATING TO REMOVING THE NAME OF TWO ASSESSMENTS. (For possible action)

The proposed changes concerning the names of vendors for assessments.

- Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

5. 3:11 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 389.488 – PHYSICAL EDUCATION EXEMPTION
(For possible action)

The proposed changes seek to make changes to language concerning exemption and credit options for physical education.

- Cindi Chang, Director, Office of Teaching and Learning

6. 3:14 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 391.285– EDORSEMENT TO TEACH READING

The proposed changes seek to update language relating to the endorsement to teach reading.

- Cindi Chang, Director, Office of Teaching and Learning

7. 3:17 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388.141 and CHAPTER 388.395 - VISUAL IMPAIRMENT ELIBILITY CRITERIA.

The proposed changes seek to update visual impairment criteria.

- Christi Hines-Coates, Education Programs Supervisor, Office of Inclusive Learning

8. 3:20 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE NAC CHAPTER 388. 5175, NAC 388.518, NAC 388.519, AND NAC 388.595 – LANGUAGE DEVELOPMENT FOR CHILDREN WHO ARE DEAF, HARD OF HEARING, BLIND, OR VISUALLY IMPAIRED.

- Christi Hines-Coates, Education Programs Supervisor, Office of Inclusive Learning

9. 3:23 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 388D.070– UPDATE EDUCATION CHOICE SCHOLARSHIP.

The proposed changes seek to change the date on the educational choice scholarship report.

- Barbara Bidell, Education Programs Professional, Office of Student and School Supports

10. 3:26 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 394.235 – CRISIS PLANS FOR PRIVATE SCHOOLS

The proposed changes seek to update the language for private school crisis plans.

- Barbara Bidell, Education Programs Professional, Office of Student and School Supports

11. 3:29 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 394.030, NAC 394.200, and NAC 394.025 – ALIGN PRIVATE SCHOOL LICENSING LANGUAGE WITH NRS

The proposed changes seek to update accreditation agency in NAC.

- Barbara Bidell, Education Programs Professional, Office of Student and School Supports

12. PUBLIC COMMENT #2

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

13. ADJOURNMENT

aJoe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Monday, April 22, 2024** is [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East 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:

3:05 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 385.015 — To Remove Identification Numbers on Pupils Records in Public Schools.

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board 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, April 19, 2024.**

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 05, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 385.015

I, Jhone M. Ebert, 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 regarding the assignment of number for identification of records of pupils in public schools 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. 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 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,

Jhone M. Ebert
Superintendent of Public Instruction

NAC 385.015 Assignment of numbers for identification of records of pupils in public schools. (NRS 385.080)

1. All students will receive a Student Unique ID (SUID) assigned by the statewide student information system that will be used to uniquely identify a student attending public school in Nevada.

~~—1. A school district shall assign to each pupil enrolled in a public school in the district a number which identifies the records of the pupil for use by the Department of Education. If a parent or legal guardian of a pupil elects to provide the social security number of the pupil, the identification number assigned to a pupil must be the pupil's social security number. If a parent or legal guardian of a pupil elects not to provide the pupil's social security number, the school district shall assign to the pupil an alternate number which uniquely identifies the records of the pupil.~~

~~—2. Except as otherwise provided in this subsection, a pupil must be assigned only one identification number which identifies the pupil's records for the duration of his or her enrollment in the public school system in Nevada for use by the Department of Education. If a pupil's identification number is his or her social security number, a parent or legal guardian of the pupil may object to the continued use of the pupil's social security number and request that the school district assign an alternate number which uniquely identifies the records of the pupil.~~

~~—3. The provisions of this section do not:~~

~~—(a) Require a parent or legal guardian of a pupil to provide the social security number of the pupil.~~

~~—(b) Prohibit a school district from establishing or maintaining a separate system for identifying pupils for use by the school district.~~

(Added to NAC by Bd. of Education by R106-96, eff. 4-3-98) — (Substituted in revision for NAC 385.650)

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Notice of Workshop to Solicit Comments on Proposed Regulation

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3:17 P.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.141 and NAC Chapter 388.395 – Visual Impairment Eligibility Criteria.

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board 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, April 19th, 2024.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 5th, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.141 ,
NAC Chapter 388.395 – Visual Impairment Eligibility Criteria

I, Jhone M. Ebert, 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 regarding visual impairment eligibility criteria 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. 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 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,

Jhone M. Ebert
Superintendent of Public Instruction

388.141 “Visual impairment” means an impairment in vision which, [despite] *even with* correction, adversely affects [or will adversely affect the ability of a pupil to benefit from or participate in an educational program without the assistance of special education.] *a pupil's educational performance. The term includes both partial sight and blindness.*

388.395 1. A pupil with a severe visual impairment is eligible for special education and related services if the eligibility team, comprised of the persons described in subsections [4 and] 5[,] *and 6,* concludes that the pupil has a severe visual impairment and, by reason thereof, needs special education and related services. *The pupil has a severe visual impairment if one or more of the following criteria are satisfied [and]:*

- (a) The visual acuity of the pupil does not exceed 20/200 in the better eye;
- (b) The vision of the pupil in the better eye is restricted to a field which subtends an arc of not more than 20 degrees; or
- (c) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be one or both of the conditions described in paragraphs (a) and (b).

2. A pupil with a moderate visual impairment is eligible for special education and related services if the eligibility team concludes that the pupil can use vision as the main channel of learning, that the pupil has a moderate visual impairment and, by reason thereof, needs special education and related services. [and that] *The pupil has a moderate visual impairment if one or more of the following criteria are satisfied:*

- (a) The visual acuity of the pupil is 20/70 or less in the better eye with the best possible correction; or
- (b) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be the condition described in paragraph (a).

3. Notwithstanding subsections 1 and 2, a pupil with a visual impairment is eligible for special education and related services if the eligibility team concludes that the pupil has any other impairment in vision that, even with correction, adversely affects the pupil's educational performance and, by reason of the visual impairment, the pupil needs special education and related services.

4. [3.] A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special education and related services referred to in this section.

5. [4.] The eligibility team may include a teacher or specialist in the field of vision impairment and must consist of a parent of the pupil and not fewer than three persons with expertise in one or more of the following areas:

- (a) Vision.
- (b) Vision impairment.
- (c) The interpretation of an assessment of health or academic achievement.

6. [5.] If the requirements of subsection 5 [4] are satisfied, one or more of the following persons may serve on the eligibility team:

- (a) A regular classroom teacher of the pupil or, if none, a person qualified to teach the pupil.
- (b) If not otherwise a member of the team, one or more persons qualified to interpret an assessment of the social or emotional condition of the pupil or of the cognitive abilities of

the pupil.

7. [6.] The conclusions of the eligibility team concerning the eligibility of the pupil for the special education and related services referred to in this section must be based upon an evaluation of the pupil. The evaluation must include:

- (a) A comprehensive examination of vision of the pupil, performed by an eye specialist; and
- (b) An assessment of the health and academic achievement of the pupil.

8. [7.] If the requirements of subsection 7 [6] are satisfied, the evaluation of the pupil may include an assessment of the pupil's cognitive abilities and social and emotional condition.

Deaf-blindness: this new section is not yet codified in the NAC: Sec. 10.

1. A pupil with deaf-blindness is eligible for special education and related services if the eligibility team, comprised of the persons described in subsections 4 and 5, concludes that:

(a) The pupil has a hearing impairment which satisfies any one or more of the following criteria:

(1) The pupil has an average hearing threshold level, at 500, 1,000 and 2,000 Hz, of 26 decibels or more; or

(2) The pupil suffers from a progressive deterioration of the pupil's hearing, the probable result of which will be the condition described in subparagraph (1);

(b) The pupil has a visual impairment which satisfies one or more of the following criteria:

(1) The visual acuity of the pupil does not exceed 20/70 in the better eye with the best possible correction;

(2) The vision of the pupil in the better eye is restricted to a field which subtends an arc of not more than 20 degrees; [or]

(3) The pupil suffers from a progressive deterioration of the pupil's vision, the probable result of which will be one or more of the conditions described in subparagraphs (1) and (2); or

(4) The pupil otherwise meets the criteria set forth in NAC 388.395; and

(c) By reason thereof, the pupil needs special education and related services.

2. A pupil under the age of 6 years is not ineligible, because of the pupil's age, for the special education and related services referred to in this section.

3. A pupil with deaf-blindness may have other disabling conditions in addition to deaf-blindness.

4. The eligibility team must consist of:

(a) A teacher of special education or a regular classroom teacher of the pupil or, if none, a person qualified to teach the pupil;

(b) A speech and language specialist;

(c) A person qualified to interpret an assessment of the health of the pupil;

(d) A parent of the pupil; and

(e) If not otherwise a member of the team, one or more persons qualified to interpret the comprehensive audiological and vision examinations required by subsection 6.

5. If the requirements of subsection 4 are satisfied, the eligibility team may include one or more persons qualified to interpret an assessment of the social or emotional condition of the pupil or of the cognitive abilities of the pupil.

6. The conclusions of the eligibility team concerning the eligibility of the pupil for the special education and related services referred to in this section must be based upon an evaluation of the pupil. The evaluation must include:

- (a) A comprehensive audiological examination, including pure tone and speech discrimination tests, performed by an audiologist;
 - (b) An assessment of the:
 - (1) Health of the pupil;
 - (2) Academic achievement of the pupil; and
 - (3) Speech and language of the pupil; and
 - (c) A comprehensive examination of vision of the pupil, performed by an eye specialist.
7. If the requirements of subsection 6 are satisfied, the evaluation of the pupil may include an assessment of the pupil's cognitive abilities and social and emotional condition.

aJoe Lombardo
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3:20 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 388.5175, NAC 388.518, NAC 388.5185, NAC 388.519, and NAC 388.595 — To update Language for Language Development for Children who are deaf, hard of hearing, blind, and visually impaired.

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board 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, April 19, 2024.**

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PURSUANT TO NRS 233B.0608

DATE: April 5th, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.5175, NAC Chapter 388.518, NAC Chapter 388.5185, NAC Chapter 388.519, and NAC Chapter 388.5195 – Language Development for Children who are deaf, hard of hearing, blind, and visually impaired

I, Jhone M. Ebert, 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 regarding language development for children who are deaf, hard of hearing, blind, and visually impaired 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. 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.

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3:08 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 388.660 – 1,2 — To Remove the Names of Two Assessments.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 05, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.660, 1 –
2

I, Jhone M. Ebert, 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 regarding the names of two assessments 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. 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 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,

Jhone M. Ebert
Superintendent of Public Instruction

aJoe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Monday, April 22, 2024** is [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East 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:

3:23 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 388D.070 — To Update the Date on the Educational Choice Scholarship Report.

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board 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, April 19, 2024.**

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Joe Lombardo
Governor

Jhone M. Ebert
*Superintendent of
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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 5th, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388D.070

I, Jhone M. Ebert, 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 regarding the Educational Choice Scholarship report date 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. 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 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,

Jhone M. Ebert
Superintendent of Public Instruction

NAC 388D.070

Reasons for change:

1. Assessment data is not available until the end of the school year and is submitted with the schools' June 15 report. A July 31 deadline would allow for updated assessment data to be included in the report. With the current reporting deadline, by the time the report is received by the Governor's Office, the Director of the Legislative Counsel Bureau, and the State Board of Education, it is nine months old.
2. The later deadline would also allow the Education Programs Professional more time to verify information provided by the Scholarship Grant Organizations and the schools and troubleshoot when reports do not match.

Fiscal Impact: No fiscal impact

Original:

NAC 388D.070 Department of Education to maintain directory of scholarship organizations on Internet website, submit quarterly list of scholarship organizations to Department of Taxation and submit annually summary of certain information. ([NRS 388D.270](#)) The Department of Education will:

1. Maintain on its Internet website a directory of each scholarship organization that is registered with the Department of Education pursuant to [NAC 388D.030](#) and, by not later than September 30, December 30, March 30 and June 30 of each year, submit to the Department of Taxation a list of each such scholarship organization.

2. By not later than March 30 of each year, submit to the Governor, the State Board and the Director of the Legislative Counsel Bureau a summary of the information reported to the Department by each scholarship organization pursuant to [NRS 388D.280](#).

(Added to NAC by Dep't of Education by R035-15, eff. 10-27-2015) — (Substituted in revision for NAC 385.6035)

Revision:

NAC 388D.070 Department of Education to maintain directory of scholarship organizations on Internet website, submit quarterly list of scholarship organizations to Department of Taxation and submit annually summary of certain information. ([NRS 388D.270](#)) The Department of Education will:

1. Maintain on its Internet website a directory of each scholarship organization that is registered with the Department of Education pursuant to [NAC 388D.030](#) and, by not later than September 30, December 30, March 30 and June 30 of each year, submit to the Department of Taxation a list of each such scholarship organization.

2. By not later than ~~March 30~~ *July 31* of each year, submit to the Governor, the State Board and the Director of the Legislative Counsel Bureau a summary of the information reported to the Department by each scholarship organization pursuant to [NRS 388D.280](#).

(Added to NAC by Dep't of Education by R035-15, eff. 10-27-2015) — (Substituted in revision for NAC 385.603)

aJoe Lombardo
Governor

Jhone M. Ebert
Superintendent of
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Notice of Workshop to Solicit Comments on Proposed Regulation

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3:11 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 389.488 — To Make Changes to the Language Concerning Exemption and Credit Options for Physical Education.

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board 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, April 19, 2024.**

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 5th, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389.488
Exemption and credit options for physical education.

I, Jhone M. Ebert, 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 regarding physical education exemptions 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. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not significantly 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,

Jhone M. Ebert
Superintendent of Public Instruction

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3:14 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 391.285 — To update language related to the endorsement to teach reading.

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board 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, April 19, 2024.**

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 05, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.285

I, Jhone M. Ebert, 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 regarding the endorsement to teach reading 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. 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 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,

Jhone M. Ebert
Superintendent of Public Instruction

**Read by Grade 3 Recommended Revision Language to NAC 391.295 -
Endorsement to Teach Reading – March 27,2024**

Language presently on the books:

NAC 391.285 Endorsement to teach reading. ([NRS 385.080](#), [391.019](#))

To receive an endorsement to teach reading, a person must:

1. Hold a bachelor's degree;
2. Hold a valid secondary license to teach, excluding a business and industry endorsement, a valid elementary or special license to teach, a valid license to teach special education, or a valid license to teach middle school or junior high school education; and
3. Have at least 16 semester hours of preparation in separate or integrated courses related to reading in each of the following subjects:
 - (a) Foundations of reading;
 - (b) Elementary methods and materials;
 - (c) Secondary methods and materials;
 - (d) Diagnosis of reading disabilities; and
 - (e) Practical experience in reading remediation.

[Bd. of Education, Certification Reg. § 391.450, eff. 10-23-81]—(NAC A by Comm'n on Prof. Standards in Education, 11-4-91; 11-22-91; 1-27-93; R099-04, 8-25-2004; R005-05, 10-31-2005; R028-11, 10-26-2011; R008-18, 6-26-2018)

Recommended Added Language noted in blue ink:

NAC 391.285 Endorsement to teach reading. ([NRS 385.080](#), [391.019](#)) To receive an endorsement to teach reading, a person must:

1. Hold a bachelor's degree;
2. Hold a valid secondary license to teach, excluding a business and industry endorsement, a valid elementary or special license to teach, a valid license to teach special education, or a valid license to teach middle school or junior high school education; and
3. Have at least 16 semester hours of preparation in separate or integrated courses related to reading in each of the following subjects:
 - (a) Foundations of reading *as aligned to the Science of Reading*;
 - (b) Elementary methods and materials as aligned to the Science of Reading *as aligned to the Science of Reading*;
 - (c) Secondary methods and materials *as aligned to the Science of Reading*;
 - (d) Diagnosis of reading disabilities; and
 - (e) Practical experience in reading remediation *as aligned to the Science of Reading*.

[Bd. of Education, Certification Reg. § 391.450, eff. 10-23-81]—(NAC A by Comm'n on Prof. Standards in Education, 11-4-91; 11-22-91; 1-27-93; R099-04, 8-25-2004; R005-05, 10-31-2005; R028-11, 10-26-2011; R008-18, 6-26-2018)

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Notice of Workshop to Solicit Comments on Proposed Regulation

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3:29 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 394.030, NAC 394.200, NAC 394.025 — To Update Accreditation Agency in NAC.

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board 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, April 19, 2024.**

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 05, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 394.030, NAC 394.200, and NAC 394.025

I, Jhone M. Ebert, 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 regarding the accreditation agency name 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. 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 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,

Jhone M. Ebert
Superintendent of Public Instruction

NAC Revisions 394.025, NAC 394.030, NAC 394.035, NAC 394.200

NAC 394.025

Reasons for Change: This is an update and revision. AdvancEd merged with Measured Progress to become Cognia in 2019.

Fiscal Impact: No fiscal impact

Original:

NAC 394.025 Requirements for licensure: Applicable provisions. (NRS 385.080, 394.221, 394.241)

1. An applicant that is not accredited by AdvancED or its successor organization, or any affiliate thereof, shall comply with the provisions of [NAC 394.020](#), [394.030](#) to [394.180](#), inclusive, and [394.250](#).

2. An applicant that is accredited by AdvancED or its successor organization, or any affiliate thereof, shall comply with the provisions of [NAC 394.020](#) and [394.200](#) to [394.250](#), inclusive.

(Added to NAC by Bd. of Education by R061-07, eff. 10-31-2007; A by R024-18, 6-26-2018)

Revision:

NAC 394.025 Requirements for licensure: Applicable provisions. (NRS 385.080, 394.221, 394.241)

1. An applicant that is not accredited by ~~[AdvancED]~~ *Cognia* or its successor organization or any affiliate thereof, shall comply with the provisions of [NAC 394.020](#), [394.030](#) to [394.180](#), inclusive, and [394.250](#).

2. An applicant that is accredited by ~~[AdvancED]~~ *Cognia* or its successor organization, or any affiliate thereof, shall comply with the provisions of [NAC 394.020](#) and [394.200](#) to [394.250](#), inclusive.

(Added to NAC by Bd. of Education by R061-07, eff. 10-31-2007; A by R024-18, 6-26-2018)

NAC 394.030

Reason for Change: This is an update and revision. AdvancED acquired Northwest Accreditation Commission in 2012. AdvancEd merged with Measured Progress to become Cognia in 2019.

Fiscal Impact: No fiscal impact

Original:

Licensure of Schools Not Accredited by Northwest Accreditation Commission

NAC 394.030 Submission of certain information concerning instruction; requirements for instruction and maximum enrollments; identification of costs. (NRS 385.080, 394.130, 394.221, 394.241)

1. The applicant must submit to the Department:

- (a) A list containing the names, descriptions and levels of proposed courses;
- (b) Proposed schedules of classes;

- (c) A description of measurable objectives for each grade and course and the procedures to be used in evaluating attainment of the objectives;
- (d) An indication of the maximum number of pupils to be enrolled in each grade and course;
- (e) An indication of the number of instructors to be assigned to each grade and course;
- (f) The organizational structure and assignments of licensed and nonlicensed staff, including assignments to grades and courses;
- (g) A statement disclosing the cost of courses, including all fees; and
- (h) A copy of each financial agreement between the private school and the parents or guardian of a pupil.

2. All grades offered must be indicated in the application. Except as otherwise provided in this subsection, courses must, at a minimum, be commensurate to the state courses of study and [chapter 389](#) of NRS. If applicable to the grade levels offered by the private school, the school must also offer the courses required for graduation from high school. A private school that offers special education to pupils with disabilities may present an alternative course of study for approval.

3. Schedules of classes must meet the minimum requirements contained in the state courses of study and [chapter 389](#) of NRS. If applicable to the grade levels offered by the private school, the schedules of classes must also meet the requirements for graduation from high school.

4. Anticipated maximum enrollments are subject to the limitations of the facility and staff. Enrollments indicated must be reconciled with the sections of the applications relating to the facility, staff and budget.

5. All costs, including instructional costs, costs of transportation and food, fees for activities and other charges to be paid by the pupil or his or her parent or guardian must be identified separately. The purpose of the charge must be described.

[Dep't of Education, §§ 1.1-1.6, eff. 6-19-76] — (NAC A by Bd. of Education, 9-13-85; R087-99, 9-27-99; R235-03, 8-4-2004)

Revision:

Licensure of Schools Not Accredited by ~~[Northwest Accreditation Commission]~~ Cognia

NAC 394.200

Reason for Change: This is an update and revision. AdvancED acquired Northwest Accreditation Commission in 2012. AdvancEd merged with Measured Progress to become Cognia in 2019. Also, the change will align NAC 394.025 with NRS 294.241, which states Accreditation by national or regional accrediting agencies recognized by the United States Department of Education. . may be accepted as evidence of compliance with the minimum standards.”

Fiscal Impact: No fiscal impact

Original:

Licensure of Schools Accredited by Northwest Accreditation Commission

NAC 394.200 Submission of certain documentation, information, statements and references. ([NRS 385.080](#), [394.221](#), [394.241](#)) An applicant shall submit to the Department, on a form prescribed by the Department:

1. Documentation sufficient to verify the accreditation of the private school by AdvancED or its successor organization, or any affiliate thereof.

2. A copy of the articles of incorporation for the private school, the bylaws for the private school or other documentation acceptable to the Department which sets forth the purpose of the private school.

3. Documentation which indicates that the facility occupied by the private school has been inspected and meets the requirements of applicable building codes, codes for the prevention of fire and codes pertaining to safety, health and sanitation.

4. Documentation which indicates that an owner or administrator of the private school has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.

5. If the private school uses motor vehicles for the transportation of pupils, evidence of compliance with [NRS 394.190](#).

6. Plans, blueprints or line drawings which describe in detail the facilities in which the private school will operate. "As-built" drawings must be submitted for existing facilities.

7. Evidence that a surety bond or certificate of deposit has been filed pursuant to [NRS 394.271](#).

8. If the application is submitted by a nonprofit organization, evidence of an official declaration of tax-exempt status by the Internal Revenue Service.

9. The policies and regulations of the private school concerning the requirements for the enrollment and entrance of pupils, which must be clearly stated in the applicable literature.

10. A statement of assurance that pupils will be admitted to the private school without regard to race.

11. A statement of the policies and regulations of the private school relating to the conduct and behavior of pupils. Procedures for the dismissal of pupils must comply with the requirements of due process of law.

12. Three local references attesting to the character and reputation of the owner or chair of the board of trustees of the private school.

(Added to NAC by Bd. of Education by R061-07, eff. 10-31-2007; A by R024-18, 6-26-2018)

Revision:

Licensure of Schools Accredited by ~~Northwest Accreditation Commission~~ *Cognia*

aJoe Lombardo
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The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Monday, April 22, 2024** is [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East 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:

3:26 P.M Workshop to Solicit Comments on Proposed Amendments to NAC 394.235 — To update language related to crisis plans for private schools.

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board 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, April 19, 2024.**

This notice has been sent to all persons on the agencies mailing list for administrative regulations and the Department of Education and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Joe Lombardo
Governor

Jhone M. Ebert
*Superintendent of
Public Instruction*



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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: April 5th, 2024

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 394.235
Update language related to crisis plans for private schools.

I, Jhone M. Ebert, 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 regarding private school crisis plans 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. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not significantly 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,

Jhone M. Ebert
Superintendent of Public Instruction

NAC 394.235

Reason for Change: This updates the office to which Nevada Private Schools will provide their Emergency Operations Plans.

Fiscal Impact: None

Original:

NAC 394.235 Application for renewal: Plan for use in responding to crisis. ([NRS 385.080](#), [394.221](#), [394.241](#)) If an application is for renewal of a private school license, the applicant shall submit a copy of its plan for use in responding to a crisis developed in accordance with [NRS 394.168](#) to [394.1699](#), inclusive, if that plan was revised during the immediately preceding term of the private school license.

(Added to NAC by Bd. of Education by R061-07, eff. 10-31-2007)

Revision:

NAC 394.235 Application for renewal: Plan for use in responding to crisis. ([NRS 385.080](#), [394.221](#), [394.241](#)) If an application is for renewal of a private school license, the applicant shall submit a copy of its plan for use to the *Nevada Division of Emergency Management of the Office of the Military* in responding to a crisis developed in accordance with [NRS 394.168](#) to [394.1699](#), inclusive. ~~[if that plan was revised during the immediately preceding term of the private school license.]~~

(Added to NAC by Bd. of Education by R061-07, eff. 10-31-2007)