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January 12, 2023

Legislative Review of Adopted Regulations as Required by NRS 233B.066
LCB File #R133-22

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

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

The need for the regulation comes from SB485 (2019), which requires the Department of Education to adopt regulations necessary to carry out the requirements associated with the reimbursement of costs for the provision of educational services by a hospital or other facility that provides residential treatment for students from Nevada. Additionally, SB210 (2021) places a number of requirements on public or private schools and the school district in which a child was enrolled when a child is admitted to facility which provides residential treatment for mental illness. It requires the Department of Education to adopt regulations as necessary to carry out the provisions of the requirements placed on that public or private school in the school district.

The proposed amendments to NAC Chapter 388 is to prescribe the required contents of a request for reimbursement of costs incurred by a hospital or other facility for providing educational services to a child to which the hospital or facility provides residential treatment; require such a hospital or other facility to develop a plan for the continued education of the child; and provide for the posting of certain information relating to such plans on an Internet website in accordance with NRS 387.1225 and 432B.60847.

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.

Persons wishing to comment upon the proposed action of the Department of Education were advised of their right to appear at the scheduled public hearing and their right to address comments, data, views or arguments, in written form, to the Board Secretary, Nevada Department of Education 700 E. Fifth St. Suite 100, Carson City, NV 89701. The Department of Education must have received written submissions **on or before October 24, 2022**. No persons who are directly affected by the proposed action appeared to request time to make an oral presentation; the Department of Education heard and documented the public comment.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 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/adopted will be available at the Nevada Department of Education, 700 E. Fifth St. Suite 100, Carson City, NV 89701, and in all counties at the main public library, for inspection and copying by members of the public during business

hours. This notice and the text of the proposed regulation are also available at 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 upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to 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.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations, and Nevada State Library and Archives.

A summary of the public comment includes concern about the reporting in the regulation overburdening educators and a request for clarity that a hospital education plan would not be considered the same as an Individualized Education Plan. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Katie Broughton, Nevada Department of Education, 775-687-9201, or by writing to the Nevada Department of Education at 700 E. Fifth St. Suite 100, Carson City, NV 89701.

3. The number of persons who:

- a. Attended Workshop: 2; Hearing: 4
- b. Testified at Workshop: 1; Hearing: 3
- c. Submitted Written Statements: Workshop: 0; Hearing: 0

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.

Ryan Herrick, State Public Charter School Authority
Gil Lopez, Charter School Association of Nevada
Sara Montalvo, Washoe County School District
Dr. Jessica Medulla, Washoe County School District

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 through the public hearing notice of **October 25, 2022**. At the workshop persons wishing to comment upon the proposed action of the Department of Education were advised of their right appear at the scheduled public hearing and their right to address comments, data, views or arguments, in written form, to the Board Secretary, Nevada Department of Education, 700 E. Fifth St. Suite 100, Carson City, NV 89701. The Department of Education must have received written submissions **on or before October 24, 2022**. No person who is directly affected by the proposed action appeared to request time to make an oral presentation; the Department of Education proceeded.

A copy of this notice and the regulation to be amended/adopted will be on file at the State Library and Archives, 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/adopted will be available at the Nevada Department of Education, 700 E. Fifth St, Suite 100, Carson City, NV 89701, and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available at 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 upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to 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.

This notice of hearing has been posted at the following locations: Nevada Department of Education, both locations, and Nevada State Library and Archives.

The response from affected businesses can be summarized as non-existent as no businesses testified at the workshop or the hearing and none provided written statements regarding this regulatory change. A copy of the summary and/or minutes of the public hearing may be obtained by contacting Katie Broughton, Nevada Department of Education, 775-687-9201, or by writing to the Nevada Department of Education at 700 E. Fifth St. Suite 100, Carson City, NV 89701.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Nevada Department of Education adopted the proposed regulation language at the public hearing held on **October 25, 2022**, with the deletion of subsection 6 of section 7. The regulation submitted in this packet includes the deletion of that language because of concerns shared during public comment.

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

There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public.

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

There is no additional cost to the agency for enforcement of this regulation.

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

No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

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

There are none.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide for a new fee or increase an existing fee.