

**PROPOSED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R110-24

July 9, 2024

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

AUTHORITY: § 1, NRS 388.419 and 388.519.

A REGULATION relating to education; prescribing requirements governing assessments of the development of language and literacy skills in certain children with disabilities; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to prescribe criteria for school employees and providers of services to assess the development of language and literacy skills by children who are less than 6 years of age and are deaf, hard of hearing, blind or visually impaired. (NRS 388.519) This regulation prescribes: (1) the criteria that such an assessment must satisfy; and (2) the required qualifications of persons involved in the administration or interpretation of such an assessment. This regulation also requires a provider of special education that administers such an assessment to provide the results of the assessment to the parent or legal guardian of the child who was assessed in a prompt and accessible manner.

Section 1. Chapter 388 of NAC is hereby amended by adding thereto a new section to read as follows:

1. When evaluating the development of language and literacy skills by a child who is less than 6 years of age who is deaf, hard of hearing, blind or visually impaired, a provider of special education shall use a formal assessment that:

(a) Evaluates the language and literacy strengths and abilities of the child and compare his or her results with the expected skills of children in the relevant age group;

(b) Measures language and literacy skills in accordance with standards designed for the target population of the assessment;

(c) Uses criteria for and methods of evaluation that:

(1) Are culturally sensitive, developmentally appropriate and individualized according to the primary mode of communication of the child and his or her parent or legal guardian; and

(2) Holistically consider the development of language and literacy skills of the child relative to such development of children in his or her community; and

(d) Is selected in consultation with the family of the child.

2. Any person who is responsible for administering or interpreting an assessment pursuant to this section must be trained in the specific assessment and:

(a) If the person is an employee of a school district or charter school, hold a license or endorsement that is appropriate for his or her role in administering or interpreting the assessment; or

(b) If the person is an employee of another provider of special education, satisfy the requirements for his or her role in administering or interpreting the assessment, as set forth by his or her employer.

3. A provider of special education that administers an assessment pursuant to this section shall, upon completion of such an assessment, promptly make the results of the assessment available to the parent or legal guardian of a child who undergoes the assessment. The results of the assessment must be provided in a format that is appropriate for the parent or legal guardian, based upon his or her primary mode of communication.

4. As used in this section:

(a) “Primary mode of communication” means the method by which a person most often communicates. The term may include, without limitation, spoken or written English, visual supplements, American Sign Language or braille.

(b) “Provider of special education” has the meaning ascribed to it in NRS 388.417.