

**STATE BOARD OF EDUCATION
REGULATIONS HEARING AGENDA APRIL 22, 2026
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 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 Hearing specific to that item. A time limit of three minutes will be imposed for public comments in order to afford all members of the public who wish to comment an opportunity to do so within the timeframe available. If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to acthibault@doe.nv.gov **no later than Friday, April 17**. 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 Zach Khan at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements may be made. The support materials to this agenda are available at no charge on the Nevada Department of Education Regulation Workshops and Public Hearings [Meeting Materials](#) page under the meeting date referenced above or by contacting Amelia Thibault via email at acthibault@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. 3:01 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING SOCIAL AND ENVIRONMENTAL FACTORS AFFECTING THE EDUCATION OF STUDENTS (For possible action)

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per R015-25, regarding the social and environmental factors that affect the educational experience of pupils, reporting to the Department on those factors; and requiring consideration of these factors when making decisions for schools, students, or educators.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

4. 3:02 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING FRAMEWORKS FOR A MODEL PLAN TO RESPOND TO CRISIS, SUICIDE, OR EMERGENCY (For possible action)

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388 per

R082-25, regarding model plans to respond to crisis.

- LaNesha Battle, Director, Office for a Safe and Respectful Learning Environment

5. 3:03 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388G REGARDING LARGE SCHOOL DISTRICTS *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388G, per R019-26, regarding conforming cleanup of NAC 388G to comply with provisions in SB460 (2025).

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

6. 3:04 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 388 REGARDING PROFICIENCY LEVELS FOR ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 388, per R017-26, regarding cut scores and proficiency measures for English language proficiency assessments such as WIDA.

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

7. 3:05 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 389 REGARDING THE UNIFORM GRADING SCALE *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 389 per R020-26, regarding updates to the uniform grading scale.

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

8. 3:06 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 388 REGARDING SYSTEMS OF OPEN ENROLLMENT AND TRANSPORTATION *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R076-25, regarding systems of open enrollment and the award of grant funding to support transportation services under a system of open enrollment pursuant to SB460 and AB533 (2025).

- Amelia Thibault, Legislative Liaison, Nevada Department of Education

9. 3:07 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387 AND 389 REGARDING PROGRAMS OF PERSONALIZED COMPETENCY BASED LEARNING *(For possible action)*

The State Board of Education will hold a regulation hearing on proposed changes to NAC 387 and 389 per R077-25, regarding programs of personalized, competency-based education.

- Amelia Thibault, Legislative Liaison, Nevada Department of Education

10. 3:08 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 387, 388, 389, AND 390 FOR CLARITY AND CONSISTENCY ACROSS EDUCATION PROGRAMS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 387, 388, 389, and 390 per R079-25, supporting cleanup and consistency across regulatory chapters and the provision of education programs in Nevada.

- Amelia Thibault, Legislative Liaison, Nevada Department of Education

11. 3:09 P.M. REGULATION HEARING ON PROPOSED CHANGES TO NAC 391 REGARDING EDUCATOR PERFORMANCE IMPROVEMENT PLANS *(For possible action)*

The State Board of Education will hold regulations hearing on proposed changes to NAC 391 per R0104-25, regarding educator performance improvement plans for administrators and teachers pursuant to SB460 (2025).

- Kathy Hoyt, Education Programs Supervisor, Office of Educator Development, Licensure, and Family Engagement

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

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public
Instruction



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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R015-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:01 PM on Wednesday, April 22, 2026**, available to stream online via [YouTube](#) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** SB267 (2019) created NRS 388.900, requiring the Department to adopt regulations pertaining to the social and environmental factors impacting the student experience.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation provides a framework for evaluating the social and environmental factors that impact the student experience.
- 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.

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

LCB File No. R015-25

January 28, 2026

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

AUTHORITY: §1, NRS 388.900.

A REGULATION relating to education; requiring the board of trustees of each school district and the governing body of each charter school to annually review and identify the social and environmental factors that affect the educational experience of certain pupils and to annually submit to the Department of Education a report concerning those factors; requiring the Department to provide certain data sources and a standard reporting template to each school district and charter school; requiring the Department to post certain information on its Internet website; requiring certain governmental entities and persons to consider certain factors when making decisions concerning a school or interacting with and making decisions concerning the staff of a school or pupils enrolled at a school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations that require the board of trustees of each school district and the governing body of each charter school to identify the social and environmental factors that affect the educational experience of pupils at each school in the school district and each charter school governed by the governing body. Existing law also requires the State Board to adopt regulations requiring the Department of Education, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider those factors when making decisions concerning the school or interacting with and making decisions concerning the staff of the school or pupils enrolled at the school. (NRS 388.900) Existing federal law requires a school district, in order to be eligible for certain grants from the federal government, to prepare and submit to the Department a plan to improve the achievement of pupils enrolled in the schools within the school district. (20 U.S.C. § 6312)

This regulation requires the board of trustees of each school district and the governing body of each charter school to annually review and identify the social and environmental factors affecting the educational experience of pupils at each school in that school district and each charter school governed by the governing body, which may include, without limitation: (1) housing stability; (2) food security; (3) poverty and employment; (4) transportation access; (5) access to health care; (6) community safety; (7) the prevalence of trauma; and (8) the unique needs and characteristics of the community served by the school district or charter school.

This regulation further requires the board of trustees of each school district and the governing body of each charter school to submit to the Department, at the same time as the annual submission by a school district of a plan to improve the achievement of pupils enrolled in the schools within the school district pursuant to federal law, using the reporting template provided by the Department, a report identifying such social and environmental factors.

This regulation also requires the Department to: (1) annually provide a list of not more than three publicly available, credible data sources for each identified social and environmental factor to each school district and charter school; (2) provide a standard reporting template to each school district and charter school; and (3) post such a list and reporting template on the Internet website of the Department. Finally, when making decisions concerning a school or interacting with and making decisions concerning the staff of a school or the pupils enrolled at a school, this regulation requires the Department, the board of trustees of each school district, the governing body of each charter school and the staff of each public school to consider the social and environmental factors identified in the report and any mitigating factor that serves to protect pupils against or reduce the harm caused by those social and environmental factors.

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

1. The board of trustees of each school district and the governing body of each charter school shall annually review and identify the social and environmental factors that affect the educational experience of pupils at each school in the school district or the charter school as applicable, using the list provided by the Department pursuant to paragraph (a) of subsection 3, and submit a report on such factors to the Department. Such factors may include, without limitation:

- (a) Housing stability;*
- (b) Food security;*
- (c) Poverty and employment;*
- (d) Transportation access;*
- (e) Access to health care;*
- (f) Community safety;*
- (g) The prevalence of trauma; and*

(h) The unique needs and characteristics of the community served by the school district or charter school.

2. Each school district and charter school shall submit to the Department the report required pursuant to subsection 1 at the same time as any annual submission by a school district of a plan to improve the achievement of pupils enrolled in the schools within the school district would be required pursuant to 20 U.S.C. § 6312, regardless of whether such a plan is required to be submitted pursuant to that section. The requirement of the report in subsection 1 may be fulfilled by:

(a) Completing the standard reporting template provided by the Department pursuant to subsection 3; or

(b) Submitting a document that references any relevant section of the plan to improve the achievement of pupils enrolled in the schools within the school district which addresses the requirements of subsection 1.

3. To facilitate compliance with this section and NRS 388.900, the Department shall:

(a) Annually provide a list of not more than three publicly available, credible data sources for each social and environmental factor specified in subsection 1 to each school district and charter school;

(b) Provide a standard reporting template to each school district and charter school; and

(c) Post the most recent list described in paragraph (a) and the template described in paragraph (b) on the Internet website of the Department.

4. When making decisions concerning a school or interacting with and making decisions concerning the staff of a school or the pupils enrolled at a school, the Department, the board of trustees of each school district, the governing body of each charter school and the staff of

each public school shall consider the social and environmental factors identified pursuant to subsection 1 and any mitigating factor.

5. As used in this section, “mitigating factor” means a condition, resource, relationship or other factor in the community served by a school that protects pupils from or reduces the potential adverse impact of social and environmental factors, and which may include, without limitation:

(a) Stable or supportive family and caregiver relationships;

(b) Community-based services that provide health, mental health, housing or social support;

(c) A positive school climate and evidence-based tiered supports;

(d) Access to before-school and after-school programming; and

(e) Organizations that serve youth, community partnerships or cultural strengths that enhance resilience.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public
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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R082-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:02 PM on Wednesday, April 22, 2026**, available to stream online via [YouTube](#) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** NRS 388.253 requires that the Department develop model plans for the management of a crisis, emergency, suicide, or other hazard.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation requires the Department to determine nationally accepted best practices, models, or frameworks for the development of model plans for the management of a crisis, emergency, suicide, or other hazard.
- 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.

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

LCB File No. R082-25

February 6, 2026

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

AUTHORITY: § 1, NRS 385.080 and 388.253.

A REGULATION relating to education; requiring the Department of Education to identify or develop best practices, models or frameworks for a model plan for the management of a crisis, emergency, suicide or any other hazard; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires an emergency operations plan development committee established by the board of trustees of a school district or the governing body of a charter school to develop a plan to be used by the schools within the school district or the charter school, as applicable, in responding to a crisis, emergency, suicide or any other hazard. (NRS 388.243) Existing law similarly requires an emergency operations plan development committee established by the governing body of a private school to develop such a plan. (NRS 394.1687) Existing law requires the Department of Education to develop a model plan for the management of a crisis, emergency, suicide or any other hazard. (NRS 388.253) This regulation requires the Department to identify that Department determines to be nationally accepted, as determined by the Department, best practices, models or frameworks that address the contents of the model plan. If the Department determines that it cannot identify such a nationally accepted best practice, model or framework, this regulation requires the Department to develop an appropriate best practice, model or framework in consultation with certain stakeholders. This regulation also requires that the best practice, model or framework identified or developed by the Department be presented to the State Board of Education and posted on the Internet website of the Department, with certain exceptions.

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

1. When developing, reviewing or updating a model plan for the management of a crisis, emergency, suicide or any other hazard pursuant to NRS 388.253, the Department shall, to the

extent possible, identify best practices, models or frameworks that the Department determines to be nationally accepted and that address the provisions of NRS 388.253. If the Department determines that it cannot identify such a nationally accepted best practice, model or framework, the Department shall consult with relevant stakeholders to develop an appropriate best practice, model or framework for use by the board of trustees of a school district, governing body of a charter school or governing body of a private school, as applicable, for addressing the provisions of NRS 388.253. To the extent consistent with NRS 388.241, 394.1685 and other applicable provisions of law, relevant stake holders may include, without limitation:

(a) Another state agency, including any identified in subsection 1 of NRS 388.253, as amended by section 31 of Assembly Bill No. 553, chapter 279, Statutes of Nevada 2025, at page 1864;

(b) A member of the State Board, the board of trustees of a school district or the governing body of a charter school or private school in this State;

(c) Educational personnel employed in a public or private school in this State;

(d) A local association or organization of parents and legal guardians whose children are enrolled in a public or private school in this State;

(e) A parent or legal guardian of a child enrolled in a public or private school in this State;

(f) A representative of a state or local organization for emergency management;

(g) A mental health professional, including, without limitation:

(1) A school counselor at a public or private school in this State;

(2) A school psychologist at a public or private school in this State; or

(3) A licensed social worker at a public or private school in this State;

(h) A provider of health care who has specific skills, training and experience in responding to medical emergencies;

(i) A pupil in grade 10 or higher who is enrolled in a public or private school in this State.

2. Except as otherwise provided in NRS 388.259, as amended by section 1 of Senate Bill No. 38, chapter 44, Statutes of Nevada 2025, at page 231, NRS 388.261, NRS 394.1698, as amended by section 2 of Senate Bill No. 38, chapter 44, Statutes of Nevada 2025, at page 231 and NRS 394.1699, a best practice, model or framework identified or developed pursuant to subsection 1 must be presented to the State Board and posted on the Internet website maintained by the Department. Any information presented to the State Board or posted on the Internet website maintained by the Department pursuant to this subsection must not include confidential information protected pursuant to NRS 388.259, as amended by section 1 of Senate Bill No. 38, chapter 44, Statutes of Nevada 2025, at page 231, or NRS 394.1698, as amended by section 2 of Senate Bill No. 38, chapter 44, Statutes of Nevada 2025, at page 231.

3. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 388.241, as amended by section 1 of Assembly Bill No. 454, chapter 313, Statutes of Nevada 2025, at page 2035.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public
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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R019-26 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:03 PM on Wednesday, April 22, 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 388G.

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:** Provisions were repealed in SB460 (2025) requiring the Department to make commensurate changes in regulation.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation repeals language that is no longer supported by statute.
- 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.

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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.

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

LCB File No. R019-26

February 27, 2026

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

AUTHORITY: §§ 1-4, NRS 388G.590, as amended by section 33.53 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3422.

A REGULATION relating to local school precincts; updating certain references; repealing certain regulations relating to the transfer of certain responsibilities to local school precincts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the reorganization of large school districts, which are school districts that have more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District). (NRS 388G.510-388G.810) Existing law deems each public school within a large school district to be a local school precinct. (NRS 388G.600, as amended by section 33.54 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3422)

Before the enactment of Senate Bill No. 460 (S.B. 460) during the 2025 Legislative Session, the provisions of former NRS 388G.610 required the superintendent of a large school district to transfer to each local school precinct in the large school district the authority to carry out certain responsibilities, thereby enabling local school precincts to operate using site-based decision making. However, S.B. 460 repealed this authority. (Section 85 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3484) Additionally, S.B. 460 eliminated a requirement that the superintendent of a large school district allocate a certain percentage of certain unrestricted funds to local school precincts in the district. (NRS 388G.660, as amended by section 33.57 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3424) Existing regulations establish provisions authorizing the principal of a local school precinct to take certain actions with respect to the manner in which the local school precinct: (1) carries out the responsibilities transferred to the local school precinct; and (2) uses the unrestricted funds allocated to the local school precinct. (NAC 388G.110-388G.140 and section 1 of Adopted Reg. of Bd. of Education, LCB File No. R064-22) **Section 4** of this regulation repeals these obsolete provisions. **Sections 1 and 2** of this regulation eliminate references in existing regulations to provisions of: (1) the Nevada Administrative Code repealed by **section 4**; and (2) the Nevada Revised Statutes repealed by S.B. 460. **Section 3** of this regulation updates a reference to a section of the Nevada Revised Statutes which was repealed by S.B. 460.

Section 1. NAC 388G.100 is hereby amended to read as follows:

388G.100 1. The board of trustees of a large school district shall establish a dispute resolution process for issues relating to retaliation and reprisal as a result of the performance of duties as a member of an organizational team for a local school precinct established pursuant to NRS 388G.700 and for any other disputes relating to the provisions of *this section*, NRS ~~[388G.500]~~ *388G.510* to 388G.810, inclusive, ~~[NAC 388G.100 to 388G.140, inclusive,]~~ and sections 2 and 3 of LCB File No. R063-22.

2. A dispute resolution process established pursuant to subsection 1 must include a requirement that:

(a) A large school district must respond within 5 business days after the date on which a request for dispute resolution is received by the school district. Such a response must be made in writing on a form prescribed by the board of trustees of the school district.

(b) All disputes must be resolved within 15 business days after the date on which a request for dispute resolution is received by the school district.

(c) Within 30 business days after the date on which a request for dispute resolution is received by the school district, the school district shall:

(1) Prepare a report regarding the dispute resolution and provide the report to the parties involved in the dispute resolution.

(2) Post the report prepared pursuant to subparagraph (1) on the Internet website maintained by the school district. The school district shall redact from such a report any information that could be used to identify the parties involved in the dispute resolution.

3. A party involved in a dispute may, within 10 business days after the date on which the person receives a report pursuant to subparagraph (1) of paragraph (c) of subsection 2, file with the Department a request that the Department resolve the dispute. Such a request must include a:

(a) Letter that states the reason the party is dissatisfied with the outcome of the dispute resolution by the school district and requests the Department to resolve the dispute;

(b) Copy of the report provided pursuant to subparagraph (1) of paragraph (c) of subsection 2; and

(c) Signed declaration that waives any applicable right of the person to the confidentiality of information concerning the dispute.

4. Within 10 business days after the date on which the Department receives a request to resolve a dispute pursuant to subsection 3, the Department shall:

(a) Determine whether resolution by the Department is warranted. The Department shall determine that such resolution is warranted if it determines, based on the information provided in the request made pursuant to subsection 3, there is reason to believe that the decision of the school district was erroneous.

(b) Notify the school district and the person who made the request of its decision.

5. If the Department determines that resolution by the Department is warranted pursuant to paragraph (a) of subsection 4, the Department shall provide the names of approved hearing officers to the parties involved in the dispute and invite each party to indicate to the Department a preference regarding which hearing officer the party would like to be selected.

6. The Department shall, within 5 business days after the last day on which a party indicates its preference regarding a hearing officer pursuant to subsection 5, arrange for a 3-hour dispute resolution session before:

(a) The hearing officer for whom the school district expressed a preference;

(b) The hearing officer for whom the other person involved in the dispute expressed a preference, if such an officer is different from the person for whom the school district expressed a preference; and

(c) A hearing officer selected by the Department.

7. The Department shall, within 10 business days after the date on which a dispute resolution session is held pursuant to subsection 6, compile a report regarding the dispute resolution and provide a copy of that report to the parties involved in the dispute.

8. If the Superintendent of Public Instruction finds that a school district has failed to comply with the requirements of this section, the Superintendent of Public Instruction may request the board of trustees of the school district to submit to the Superintendent of Public Instruction a plan of corrective action pursuant to NRS 385.175. Such a request and any response to such a request by the school district must be made available to members of the public upon request.

9. The actual cost of a dispute resolution process pursuant to this section is the sole responsibility of the large school district and includes, without limitation, the expense of and compensation for hearing officers selected pursuant to subsections 5 and 6, and any financial burden related to consequences imposed for noncompliance with the provisions of *this section*, NRS ~~[388G.500]~~ **388G.510** to 388G.810, inclusive, ~~[NAC 388G.100 to 388G.140, inclusive,]~~ and sections 2 and 3 of LCB File No. R063-22.

Sec. 2. Section 2 of LCB File No. R063-22 is hereby amended to read as follows:

1. A large school district shall, at least annually, provide mandatory training on the provisions of this section, NRS ~~[388G.500]~~ **388G.510** to 388G.810, inclusive, NAC 388G.100 ~~[to 388G.140, inclusive,]~~ and section 3 of LCB File No. R063-22 to:

(a) All voting members of the board of trustees of the large school district;

- (b) The superintendent of schools of the large school district;
- (c) All members of the cabinet of the superintendent of schools, if any;
- (d) All supervisors of a principal;
- (e) All principals employed by the large school district; and
- (f) Any person who is a member of an organizational team of a local school precinct within the large school district.

2. The training provided pursuant to subsection 1 must be approved by the Superintendent of Public Instruction or his or her designee before delivery. Upon such approval, any training materials must be made available on the Internet website of the large school district.

Sec. 3. Section 3 of LCB File No. R063-22 is hereby amended to read as follows:

1. The principal of a local school precinct:

(a) Shall select teachers for the local school precinct pursuant to subsection 2 of NRS ~~388G.610~~ **388G.700** who, as determined by the principal, meet the needs of the local school precinct pursuant to the plan of operation for the local school precinct.

(b) May select teachers for the local school precinct who are not in good standing if the principal determines that the selection of such a teacher is necessary to carry out the plan of operation for the local school precinct.

(c) May select substitute teachers for the local school precinct only if the principal:

(1) Determines that the selection of such a teacher is necessary to carry out the plan of operation for the local school precinct, including, without limitation, the staffing of the local school precinct as described in the plan of operation;

(2) Does not engage in discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex in making such a selection; and

(3) Complies with the procedures established by the large school district pursuant to subsection 3.

2. A large school district shall provide each principal of a local school precinct access to the current electronic human resources system of the school district which, at a minimum, allows each principal seeking to fill a vacant position to create and view a list of all licensed teachers who are employed by the school district and eligible to fill the vacant position. The list must include, without limitation, the contact information of each teacher and a designation of whether each teacher is in good standing.

3. A large school district shall establish procedures for the selection of a substitute teacher by the principal of a local school precinct. Such procedures must include, without limitation, requirements that each principal:

(a) Demonstrate and retain records documenting that the principal has selected teachers in good standing for the local school precinct to the greatest extent possible.

(b) Demonstrate and retain records documenting all reasons, pursuant to the plan of operation for the local school precinct, that a teacher in good standing was not selected, if such a teacher was available for selection. For the purposes of this paragraph, a principal may not use financial savings as a reason not to select a teacher in good standing.

(c) Actively monitor each substitute teacher who was selected to fill a vacancy at the local school precinct.

(d) Ensure that a person holding a special license as an emergency substitute teacher issued pursuant to NAC 391.0896 fills a vacancy in the local school precinct only if a licensed teacher, including a substitute teacher, is not available to fill the vacancy.

4. If the principal of the local school precinct fails to demonstrate that teachers in good standing have been selected to fill vacancies at the local school precinct to the greatest extent possible, a large school district may place a teacher in good standing in a position which is vacant or for which a substitute teacher was selected at the local school precinct.

5. A large school district shall provide a report to the Board on or before June 30 and December 30 of each year which includes, without limitation, for the time period since the previous report, for each vacancy at a local school precinct for which a substitute teacher was selected:

(a) The number of teachers in good standing and not in good standing who were available to be selected for the vacancy;

(b) The number of teachers in good standing and not in good standing who were interviewed for the vacancy;

(c) All reasons that a teacher in good standing was not selected for the vacancy; and

(d) All justifications used for selecting a substitute teacher for the vacancy.

6. As used in this section:

(a) "Active discipline" means a written warning, admonition, suspension or dismissal, including any such action which is subject to a dispute regarding an interpretation, application or alleged violation of any provision of a collective bargaining agreement, which has been made within:

(1) The 2 years and 1 day immediately preceding the date on which a determination is made as to whether a teacher is in good standing; or

(2) The 3 years and 1 day immediately preceding the date on which a determination is made as to whether a teacher is in good standing, if another action was made within the 2 years immediately preceding the date of the most recent action.

(b) “In good standing” means a teacher who:

(1) Holds a valid license issued pursuant to chapter 391 of NRS;

(2) Has received an overall performance rating of highly effective or effective under the statewide performance evaluation system established by the Board pursuant to NRS 391.465 for the most recent school year or, if the teacher is a probationary employee, as defined in NRS 391.650, on an initial term of probation, a rating of highly effective, effective or developing;

(3) Has no active discipline in his or her personnel file;

(4) Has had fewer than 10 absences for reasons other than documented medical reasons during the last school year; and

(5) Is not prohibited from employment pursuant to NRS 391.850 to 391.930, inclusive.

(c) “Substitute teacher” means a person who holds an endorsement as a substitute teacher on a special license or a provisional special license issued pursuant to subsection 2 of NAC 391.0897, and who does not hold any additional valid license described in paragraph (a) of subsection 1 of NAC 391.0897.

Sec. 4. NAC 388G.110, 388G.120, 388G.130 and 388G.140 and section 1 of LCB File No. R064-22 are hereby repealed.

TEXT OF REPEALED SECTIONS

388G.110 Service level agreements: When required; required provisions. (NRS 388G.590)

1. If authority to carry out a responsibility is transferred from a large school district to a local school precinct pursuant to NRS 388G.610, and the local school precinct wishes to have the large school district carry out the responsibility, the large school district must enter into a service level agreement with the principal of the local school precinct.

2. A service level agreement entered into pursuant to this section must describe, without limitation:

- (a) The purpose of the responsibility to be carried out by the large school district;
- (b) Any laws, policies or regulations applicable to the manner in which the responsibility is carried out;
- (c) The roles and responsibilities remaining with the local school precinct or the principal with respect to the responsibility;
- (d) A description of the scope of the responsibility which the large school district will carry out and the manner in which the quality of any services provided will be measured; and
- (e) A description of any actions that a local school precinct may take if it is not satisfied with the manner in which the large school district carries out the responsibility pursuant to the agreement.

3. A service level agreement entered into pursuant to this section must include the amount of money which the local school precinct agrees to pay the large school district to carry out the responsibility described in the agreement.

388G.120 Service level agreements: Annual determination of services to be offered by large school district; establishment of draft agreements; publication of draft agreements.
(NRS 388G.590)

1. Each school year, a large school district shall determine which responsibilities it will offer to provide for a local school precinct for the next school year and establish a draft service level agreement for the provision of that responsibility. The large school district shall provide each draft service level agreement to each school associate superintendent.

2. Upon receipt of the draft service level agreements pursuant to subsection 1, a school associate superintendent must meet with the principal of each local school precinct for which he or she is responsible to review and solicit comments on the standard draft service level agreement.

3. The school associate superintendent shall compile a report of the comments received from principals and provide that report to the superintendent of the large school district. The superintendent of the large school district shall finalize each draft service level agreement for the next school year after receiving and considering such reports.

4. On or before January 15 of each year, the superintendent of a large school district shall publish and make available to the principals of local school precincts each draft service level agreement for responsibilities for which the large school district is willing to enter into a service level agreement to carry out for local school precincts for the next school year.

388G.130 Service level agreements: Negotiation of specific terms; inclusion of assignment of central staff deemed to satisfy certain requirements; prohibited provisions.

(NRS 388G.590)

1. The principal of a local school precinct that wishes to enter into a service level agreement with the large school district may use a draft service level agreement created pursuant to NAC 388G.120 to negotiate the specific terms of the service level agreement.

2. If a service level agreement includes assignment of staff from central services, the service level agreement shall be deemed to satisfy the requirements set forth in subsection 6 of NRS 388G.610.

3. A service level agreement must not provide:

(a) Central services with supervisory authority over the principal of the local school precinct or any member of the staff who works under the direct supervision of the principal; or

(b) The principal of a local school precinct or any member of the staff who works under the direct supervision of the principal with supervisory authority over a member of the staff of central services.

388G.140 Use of certain money allocated to local school precinct; conditions under which money deemed allocated to local school precinct. (NRS 388G.590)

1. The principal of a local school precinct may, in accordance with a plan of operation developed pursuant to NRS 388G.700, determine the manner in which to use money allocated to the local school precinct pursuant to NRS 388G.660, including, without limitation, whether to use the money allocated to carry out a responsibility for which the local school precinct has been transferred authority or use the money allocated in another way.

2. Money shall be deemed allocated to a local school precinct pursuant to NRS 388G.660 only when the money is included in the portion of the budget for the local school precinct over which the local school precinct has control and discretion with respect to the manner in which the money is used.

Section 1 of LCB File No. R064-22:

Sec. 1. The State Board interprets “other staff who work under the direct supervision of the principal,” as used in NRS 388G.610, to mean any employee who is:

1. Assigned to the local school precinct;
2. Evaluated by the principal or a designee of the principal; and
3. Not a member of central services.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public
Instruction



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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R017-26 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:04 PM on Wednesday, April 22, 2026**, available to stream online via [YouTube](#) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. Flamingo Road, Room 114, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the revision of language in Nevada Administrative Code (NAC) Chapter 388.

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

- 1. The need and purpose of the proposed regulations and/or amendments:** The Department is responsible for the identification of English learners through standardized assessment per NRS 388.405 and under federal law.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation provides the Department flexibility to adapt cut score or proficiency rate measures in alignment with changes made by the selected standardized assessment.
- 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.

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

LCB File No. R017-26

February 25, 2026

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

AUTHORITY: § 1, NRS 385.080 and 388.405.

A REGULATION relating to education; revising requirements governing the periodic assessment of pupils who are English learners; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires: (1) the board of trustees of each school district to develop a policy for the instruction to teach English to pupils who are English learners; and (2) the State Board of Education to adopt regulations prescribing criteria for such policies. (NRS 388.405, 388.407) Existing regulations require a policy for the instruction to teach English to pupils who are English learners to provide for the: (1) initial identification of such pupils; and (2) periodic assessment and reassessment of such pupils. (NAC 388.540) This regulation revises these requirements by requiring the: (1) Department of Education to adopt certain metrics for measuring performance established by the publisher of the assessment; and (2) application of such metrics during the periodic assessment of such pupils.

Section 1. NAC 388.540 is hereby amended to read as follows:

388.540 *1.* A policy for the instruction to teach English to pupils who are English learners must, without limitation:

~~[1.]~~ *(a)* Provide for the initial identification of pupils who are English learners using the standardized statewide entrance and exit procedures for identifying such pupils that are adopted by the Department and approved by the State Board. *The Department shall include as components of such procedures, without limitation, provisions for the adoption and application of measurements for determining the performance level of a pupil who completes*

an assessment used to identify a pupil as an English learner established by the publisher of such an assessment.

~~{2-}~~ (b) Provide for the periodic assessment of pupils who are English learners by:

~~{(a)}~~ (1) Formally evaluating the proficiency in English and academic achievement of pupils who are English learners, including, without limitation, by annually administering the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810; and

~~{(b)}~~ (2) Informally evaluating the proficiency in English and academic achievement of pupils who are English learners.

~~{3-}~~ (c) *Provide for the adoption and application of the proficiency levels and cut scores established by the publisher of the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810 when administering the assessment pursuant to paragraph (b).*

(d) Provide for the reassessment of a pupil who is identified as an English learner pursuant to standardized statewide procedures for reassessing such pupils that are adopted by the Department and approved by the State Board.

2. As used in this section, “cut scores” means the scores established by the publisher of the assessment prescribed by the State Board pursuant to subsection 3 of NRS 390.810 and used by an entity administering the assessment to determine the performance level of a pupil who completes the assessment.

Joe Lombardo
Governor

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R020-26 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:05 PM on Wednesday, April 22, 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 389.

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:** NRS 389.007 requires the Board to adopt regulations regarding the uniform grading scale; with the expansion and implementation of dual credit courses, updates became necessary.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation adds provisions to the uniform grading scale regarding completion of dual credit courses.
- 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.

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

LCB File No. R020-26

March 4, 2026

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

AUTHORITY: §§ 1 and 2, NRS 385.080 and 389.007.

A REGULATION relating to education; revising provisions governing the uniform grading scale for pupils enrolled in high school; prescribing a weighted value for the completion of a dual credit course; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe a uniform grading scale for all public high schools, including, without limitation, a uniform grading scale for dual credit courses, international baccalaureate courses, advanced placement courses and honors courses. Existing law requires such regulations to assign the same weight to dual credit courses and international baccalaureate courses as that assigned to advanced placement courses if the dual credit course or international baccalaureate course is in a core academic subject or a subject for which an advanced placement course is offered. (NRS 389.007) Existing regulations prescribe a weighted value of 0.050 for the completion of an advanced placement course or international baccalaureate course with a grade of A, B, C or D, which must be added to the value otherwise provided for that letter grade under the uniform grading scale. (NAC 389.6625) **Section 1** of this regulation prescribes a weighted value of 0.050 for the completion of a dual credit course with a grade of A, B, C or D. **Section 2** of this regulation provides that this weighted value applies to a dual credit course completed during or after the 2022-2023 school year. When determining the value to be assigned to a grade of a pupil who transferred from a high school located outside of this State or from a private high school located in this State to a public high school in this State, **section 1** requires this weighted value to be applied to a dual credit course completed with a grade of A, B, C or D by such a pupil.

Existing regulations authorize a school district or charter school to apply the uniform grading scale for pupils enrolled in grades 10, 11 and 12 during the 2014-2015 school year or to continue applying the grading scale that was in effect for those pupils before the 2014-2015 school year until the graduation of such pupils. (NAC 389.6625) **Section 1** removes these provisions.

Section 1. NAC 389.6625 is hereby amended to read as follows:

389.6625 1. ~~Except as otherwise provided in subsection 6, the~~ **The** board of trustees of each school district and the governing body of each charter school shall use the following uniform grading scale for pupils enrolled in the school district or charter school in grades 9 to 12, inclusive:

Course Point Range	Grade	Value
90.0-100	A	4.0
80.0-89.99	B	3.0
70.0-79.99	C	2.0
60.0-69.99	D	1.0
Below 60	F	0.0

2. The grading scale prescribed by subsection 1 must be weighted as follows:

(a) For completion of an honors course with a grade of A, B, C or D, a value of 0.025 must be added to the value otherwise prescribed by subsection 1.

(b) For completion of an advanced placement course with a grade of A, B, C or D, a value of 0.050 must be added to the value otherwise prescribed by subsection 1.

(c) For completion of an international baccalaureate course with a grade of A, B, C or D, a value of 0.050 must be added to the value otherwise prescribed by subsection 1.

(d) For completion of a dual credit course with a grade of A, B, C or D, a value of 0.050 must be added to the value otherwise prescribed by subsection 1.

3. The grade point average of a pupil enrolled in grade 9, 10, 11 or 12 must be computed to the third decimal place. A grade point average that:

- (a) Is less than 0.0005 must be rounded down; and
- (b) Is 0.0005 or higher must be rounded up.

4. If a pupil transfers from a high school located outside this State or from a private high school located in this State and enrolls in high school at a school district or charter school in this State, the pupil's transcript must be reviewed and a value must be assigned for each grade earned by the pupil in the other state or at the private high school as follows:

(a) If the pupil's transcript contains a letter grade for a course, that letter grade must be assigned a numerical value in accordance with the grading scale prescribed by subsection 1.

(b) If the pupil's transcript does not contain a letter grade for a course but contains a numerical value for a grade in the course, that numerical value must be assigned in accordance with the grading scale prescribed by subsection 1.

(c) If the pupil's transcript contains a notation that the pupil has completed an honors course, an advanced placement course, ~~or~~ an international baccalaureate course *or a dual credit course* with a grade of A, B, C or D, the weighted value prescribed by subsection 2 must be applied for that course. If the transcript does not contain such a notation, the grading scale prescribed by subsection 1 must be applied for the course.

~~5. [The uniform grading scale prescribed by this section applies to pupils who are enrolled in grade 9 beginning with the 2014-2015 school year, until graduation of those pupils, including, without limitation, pupils who repeat grade 9 in the 2014-2015 school year.~~

~~—6.— For pupils who are enrolled in grades 10, 11 and 12 for the 2014-2015 school year, a school district or charter school may, until graduation of those pupils:~~

~~—(a) Apply the uniform grading scale prescribed by this section; or~~

~~—(b) Continue applying the grading scale in effect for those pupils before the 2014-2015 school year.~~

~~—7.]~~ The board of trustees of each school district and the governing body of each charter school may adopt a policy assigning a plus or minus to the grades set forth in subsection 1. The policy must ensure that the value assigned to each grade earned by a pupil complies with the value set forth in the grading scale prescribed by subsection 1 and, if applicable, the weighted value prescribed by subsection 2.

Sec. 2. The amendatory provisions of section 1 of this regulation prescribing a weighted value to the grading scale for the completion of a dual credit course apply to any dual credit course completed during or after the 2022-2023 school year.

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R076-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:06 PM on Wednesday, April 22, 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 and 389.

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:** AB533 (2025) and SB460 (2025) require the development of regulations to support systems of open enrollment and the administration of transportation funding under these systems.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation establishes requirements for the administration and award of transportation funding under a program of open enrollment, in addition to establishing criteria for the calculation of capacity for systems of open enrollment.
- 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.

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

LCB File No. R076-25

March 9, 2026

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

AUTHORITY: §§ 1-4, NRS 385.080 and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174; §§ 5-7, NRS 385.080 and 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175.

A REGULATION relating to education; prescribing the procedure for the award of grants under a program to provide transportation assistance to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend and requirements governing the operation of such a program; requiring each school district to develop a process for the parents or legal guardians of certain pupils to request transportation assistance; requiring the board of trustees of each school district to submit an application to the Department of Education to implement a system of open enrollment; establishing the requirements governing the operation of a system of open enrollment; prescribing certain requirements governing a determination of the capacity for a grade level at a public school; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; (2) requires the board of trustees of each school district to adopt policies and procedures governing the attendance of pupils at schools outside the zone of attendance that such pupils are otherwise required to attend; and (3) requires the Superintendent of Public Instruction to establish a process to review such policies and procedures for compliance with applicable law. (NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175) **Section 6** of this regulation establishes the process for the submission and review of such policies and procedures.

Existing law: (1) requires a school district to give priority for enrollment in a school outside the zone of attendance that a pupil is otherwise required to attend to pupils who live in the zone of attendance of certain schools that have received low ratings of performance; and (2) authorizes a school district to use a lottery to determine which pupils will be enrolled in a grade level at a public school outside the zone of attendance of those pupils. (NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page

3175) **Section 7** of this regulation authorizes a school district, after prioritizing the pupils for which priority is required by existing law, to prioritize pupils in any manner not prohibited by law. **Section 7** also clarifies the circumstances under which a school district may use a lottery to prioritize pupils for enrollment in a grade level at a school that is outside the zone of attendance that a pupil is otherwise required to attend.

Existing law requires the board of trustees of a school district to: (1) determine the capacity for each grade level within each public school in the school district; and (2) annually publish such information on the Internet not later than 90 days before the date on which the school district will begin accepting applications from pupils to attend a public school outside the zone of attendance that a pupil is otherwise required to attend. (NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175) **Section 7** prescribes the manner in which the board of trustees of a school district must make such a determination.

Existing law requires the Department of Education, to the extent that money is available, to establish a program to award grants of money on behalf of a pupil for the purpose of providing the pupil with transportation to attend a public school located outside the zone of attendance that the pupil is otherwise required to attend. (Section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174) **Section 2** of this regulation establishes the requirements for a school district or organization to be eligible to receive such a grant and the authorized uses of grant money. **Section 3** of this regulation prescribes the process to award such grants to school districts or other organizations. **Section 4** of this regulation prescribes requirements governing the operation of programs to provide transportation assistance that are funded by grants. **Section 4** also establishes the requirements for a pupil to be eligible to receive transportation assistance through such a program.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *Pursuant to section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174, the Department shall, to the extent that money is available for this purpose, award grants of money to school districts and other organizations to support transportation to public schools outside the zone of attendance pursuant to subsection 1 of section 4 of this regulation for pupils who:*

(a) Attend a school district which has elected not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupils are otherwise required to

attend pursuant to paragraph (f) of subsection 2 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175; and

(b) Meet the requirements of subsection 2 of section 4 of this regulation.

2. To be eligible for such a grant:

(a) A school district must:

(1) Meet the requirements of paragraph (a) of subsection 1;

(2) Have adopted policies or procedures governing the attendance of pupils at schools outside the zone of attendance that the pupil is otherwise required to attend that have been approved by the Department pursuant to section 6 of this regulation;

(3) Administer to the parent or legal guardian of each pupil who has been approved to attend a public school outside the zone of attendance that the pupil is otherwise required to attend through a system of open enrollment implemented pursuant to section 6 of this regulation an assessment to identify the need for transportation assistance on behalf of the pupil that meets the requirements of subsection 3;

(4) Have established a process to:

(I) Determine the eligibility of pupils for transportation assistance in accordance with subsection 2 of section 4 of this regulation; and

(II) Prioritize eligible pupils in accordance with paragraph (c) of subsection 1 of section 4 of this regulation;

(5) If applicable, have entered into an agreement described in subparagraph (1) of paragraph (b) of subsection 1 of section 4 of this regulation; and

(6) Plan to use any grant of money awarded pursuant to this section for purposes authorized by subsection 4.

(b) An organization must have entered into an agreement that meets the requirements of this paragraph with one or more school districts described in paragraph (a). The agreement must:

(1) Provide for the secure sharing of data relating to pupils for the purpose of compliance with the prioritization requirements of paragraph (c) of subsection 1 of section 4 of this regulation and the eligibility requirements of subsection 2 of section 4 of this regulation; and

(2) Include contractual terms relating to insurance, liability and indemnification, as applicable.

3. An assessment administered to the parent or legal guardian of a pupil pursuant to subparagraph (3) of paragraph (a) of subsection 2 must require a parent or legal guardian completing the assessment to:

(a) Identify whether the parent or legal guardian wishes to opt into available transportation services offered by the school district or other organizations or receive reimbursement for the cost of transportation;

(b) Identify whether the pupil has any special needs with regard to transportation due to a disability or other reason; and

(c) Provide the attestation required by paragraph (b) of subsection 2 of section 4 of this regulation.

4. Money awarded through a grant pursuant to this section must be used to pay the costs for a program of transportation assistance that meets the requirements of section 4 of this regulation, which may include, without limitation, the administrative costs associated with:

(a) The assessment conducted pursuant to subparagraph (3) of paragraph (a) of subsection 2; and

(b) Prioritizing pupils for transportation assistance in accordance with paragraph (c) of subsection 1 of section 4 of this regulation.

Sec. 3. 1. *A school district or organization that wishes to receive a grant pursuant to section 2 of this regulation must submit an application to the Department. The application must include:*

(a) A financially sound plan for implementing the program proposed for funding that includes, without limitation:

(1) The approximate cost of each program of transportation assistance that the school district or organization proposes to fund using the grant; and

(2) The methodology used by the school district or organization to determine the costs identified pursuant to subparagraph (1);

(b) Evidence that the program proposed for funding:

(1) Has established a means to inform a parent or guardian who opts in to transportation assistance:

(I) Whether the pupil for whom the parent or guardian is responsible is eligible for transportation assistance;

(II) Whether the pupil will receive transportation assistance;

(III) If the pupil will receive transportation assistance, the form of transportation assistance that the pupil will receive; and

(IV) If the pupil will not receive transportation assistance, any additional transportation options available in the community; and

(2) Will comply with the requirements of this section, sections 2 and 4 of this regulation and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174, and section 4 of this regulation;

(c) A count of the number of pupils for whom parents or guardians have opted into transportation assistance pursuant to paragraph (a) of subsection 3 of section 2 of this regulation through the program proposed for funding and the anticipated cost to provide transportation assistance to a pupil for 1 school year; and

(d) The number of pupils described in paragraph (c) who fall into each category listed in subsection 2 based upon information disclosed by their parents or legal guardians in the assessment conducted pursuant to subparagraph (3) of paragraph (a) of subsection 2 of section 2 of this regulation.

2. In awarding money to support programs that provide transportation assistance to pupils who meet the eligibility requirements set forth in subsection 2 of section 4 of this regulation, the Department shall:

(a) Give first priority to programs that will provide transportation assistance to high numbers of pupils who applied through the system of open enrollment pursuant to section 6 of this regulation to attend a public school outside the zone of attendance that the pupil is otherwise required to attend which received, in the immediately preceding school year, a rating of performance pursuant to the statewide system of accountability for public schools that is higher than the rating of performance received by the public school that the pupil is otherwise required to attend;

(b) Give secondary priority to programs that will provide transportation assistance to high numbers of pupils who:

(1) Are migrants, homeless, have been placed in foster care; or

(2) Have been identified as at risk of not graduating as of October 1 of the immediately preceding school year; and

(c) Give tertiary priority to other programs that meet the requirements of this section, sections 2 and 4 of this regulation and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174.

Sec. 4. 1. *A program of transportation assistance supported by a grant pursuant to section 2 of this regulation must:*

(a) Identify the needs and determine the eligibility of pupils based upon the information disclosed by their parents or legal guardians in the assessments conducted pursuant to subparagraph (3) of paragraph (a) of subsection 2 of section 2 of this regulation;

(b) Provide transportation assistance to eligible pupils through:

(1) Agreements between school districts and organizations to provide transportation to pupils that:

(I) Provide for the secure sharing of data relating to pupils for the purpose of compliance with the prioritization requirements of paragraph (c) and the eligibility requirements of subsection 2; and

(II) Include contractual terms relating to insurance, liability and indemnification, as applicable;

(2) A program developed by a school district or other organization to provide transportation directly to pupils; or

(3) The provision of reimbursement to the parents or legal guardians of pupils for the cost of transportation;

(c) Prioritize pupils who are eligible for transportation assistance through the program and whose parents or guardians opt into such transportation assistance in the order specified in subsection 2 of section 3 of this regulation; and

(d) If there is insufficient money available to provide transportation assistance to all eligible pupils whose parents or guardians have opted into transportation assistance in a level of priority identified in subsection 2 of section 3 of this regulation, award transportation assistance to such pupils within that level of priority in the order in which the parents or guardians of the pupils opted into transportation assistance.

2. To be eligible to receive transportation assistance through a program funded pursuant to section 2 of this regulation, a pupil must:

(a) Live in the zone of attendance for a public school that received, in the immediately preceding school year, one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools; and

(b) Attest that he or she has no other viable form of transportation available to him or her.

3. For the purposes of this section and section 1.5 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3174, a pupil has no other viable form of transportation available to him or her if the pupil has no reliable means to:

(a) Arrive at school on time for the beginning of the school day; or

(b) Depart from school at the conclusion of the school day.

Sec. 5. Chapter 388 of NAC is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this regulation.

Sec. 6. 1. *The board of trustees of each school district shall submit to the Department an application in the form prescribed by the Department to implement a system of open*

enrollment pursuant to which a pupil in the school district may attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175. Such an application must contain, without limitation, a copy of the policies and procedures described in paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175.

2. Within 30 days after receipt of an application submitted pursuant to subsection 1, the Department shall:

(a) Review and evaluate the application in accordance with a rubric to evaluate the degree to which the system of open enrollment proposed by the application complies with the requirements of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, and other applicable law; and

(b) Approve or deny the application and provide the applicant with the score the application received on the rubric described in paragraph (a).

3. The Department shall publish the rubric described in paragraph (a) of subsection 2 on an Internet website operated by the Department.

4. Approval of a system of open enrollment by the Department pursuant to this section remains in effect and does not require renewal. The board of trustees of the school district must reapply for approval if the board of trustees wishes to change the policies and procedures described in paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175.

Sec. 7. 1. After prioritizing pupils described in sub-subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill

No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, the board of trustees of a school district may prioritize pupils for enrollment in a grade level within a public school for which applications exceed the capacity determined pursuant to paragraph (c) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, in any manner not prohibited by law.

2. Pursuant to sub-subparagraph (II) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, the board of trustees of a school district may use a lottery to:

(a) Select pupils described in sub-subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, for enrollment in a grade level if the applications for the enrollment of such pupils in that grade level exceed the capacity determined pursuant to paragraph (c) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175.

(b) Select pupils from another category of pupils prioritized for enrollment pursuant to subsection 1 if the number of applications for the enrollment of such pupils in a grade level exceeds the capacity remaining in that grade level after all pupils described in sub-subparagraph (I) of subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, are enrolled.

(c) Select pupils who are not prioritized for enrollment pursuant to subsection 1 if the number of applications for the enrollment of such pupils in a grade level exceeds the capacity remaining in that grade level after all pupils described in sub-subparagraph (I) of

subparagraph (7) of paragraph (a) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, and all pupils prioritized for enrollment pursuant to subsection 1 are enrolled.

3. When determining capacity for a grade level within a public school pursuant to paragraph (c) of subsection 4 of NRS 388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175, the board of trustees of a school district in which the public school is located:

(a) Shall base the determination on the total number of instructional teaching stations and number of seats available for each instructional teaching station for the grade level; and

(b) May also give consideration to:

(1) The subject matter of the course for which an instructional teaching station is established;

(2) The grade level for which an instructional teaching station is established;

(3) The instructional model used at an instructional teaching station; and

(4) Exigent circumstances.

4. If the capacity pursuant to subsection 3 is determined to be less than the total number of instructional teaching stations and number of seats available for each instructional teaching station for the grade level within the public school, the board of trustees of the school district in which the public school is located shall:

(a) Submit to the Department for approval a written explanation for the reduced capacity; and

(b) If the written explanation is approved, publish on the Internet website maintained by the school district the written explanation pursuant to paragraph (c) of subsection 4 of NRS

388.040, as amended by section 2 of Assembly Bill No. 533, chapter 486, Statutes of Nevada 2025, at page 3175.

5. For purposes of this section, “instructional teaching station” means a distinct physical location designated for a pupil or a group of pupils to engage in learning tasks facilitated by a teacher or other school employee whose duties include rendering direct educational service to pupils. Each such physical location constitutes an instructional teaching station, regardless of whether there is sufficient staff to operate the instructional teaching station.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public
Instruction



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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R077-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:07 PM on Wednesday, April 22, 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 and 389.

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:** AB110 (2017) established pilot programs for competency-based education which have since expanded across the State; upon scaled growth, additional regulating measures were identified as necessary to support such programs.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation establishes a program of personalized, competency-based education which may be adopted by schools and districts for the delivery of such education to students with necessary measures for flexibility and accountability.
- 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.

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

LCB File No. R077-25

March 18, 2026

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

AUTHORITY: §§ 1-5, NRS 385.080, 387.123 and 389.210; §§ 6-9 and 17, NRS 389.210; § 10, NRS 385.080, 388.090, 388.537, 388.874, 389.155 and 389.210; § 11, NRS 385.080, 385.114 and 389.171; § 12, NRS 385.080, 385.114 and 389.210; §§ 13-16, NRS 385.080, 389.155 and 389.210.

A REGULATION relating to education; establishing requirements for the board of trustees of a school district or the governing body of a charter school to obtain the approval of the Superintendent of Public Instruction to offer a program of competency-based education; establishing requirements for the development of a plan to operate a program of competency-based education; requiring a pupil enrolled in a program of competency-based education to establish, in collaboration with the pupil's parent or guardian and the teacher providing instruction to the pupil, a written plan for the advancement of the pupil in a course offered as part of a program of competency-based education; prescribing the standards applicable to the review of an application to establish certain educational programs; establishing enrollment and attendance requirements for pupils enrolled in a program for competency-based education; removing a requirement for the board of trustees of a school district to prescribe a specific list of courses of study for which a pupil may be granted credit without attending the regularly scheduled classes in the course and make that list available to certain persons; adopting requirements for a school district to award credit for experiences outside the high school campus by a pupil enrolled in a program of competency-based education; adopting provisions governing the approval of an alternative form of transcript for use in a program of competency-based education; providing for pupils enrolled in a program of competency-based education to complete courses through a program of independent study; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Education to establish a pilot program to provide competency-based education, which is defined as a system of instruction by which a pupil advances to a higher level of learning when the pupil demonstrates mastery of a skill or concept, regardless of the time, place or pace at which the pupil progresses. (NRS 389.200, 389.210) Existing law also requires the State Board of Education to adopt regulations that prescribe the process for submission of an application by a school district or charter school to participate in the

pilot program and the qualifications and conditions for participation by a school in the pilot program. (NRS 389.210)

Under existing regulations, for a school to participate in the pilot program: (1) the school must satisfy certain criteria; (2) the board of trustees of the school district or the governing body of the charter school, as applicable, must apply to the Department to participate in the pilot program; and (3) the Department must select the school to participate in the pilot program for competency-based education. (NAC 389.829) **Section 17** of this regulation repeals the existing procedure to apply to establish a program of competency-based education. **Section 7** of this regulation instead requires that to provide a program of competency-based education, the board of trustees of a school district or the governing body of a charter school must submit to the Department a plan to operate such a program and obtain the approval of the plan by the Superintendent of Public Instruction. **Section 8** of this regulation: (1) requires a plan to operate a program of competency-based education to be created in collaboration with certain persons; and (2) establishes the required contents of the plan. **Section 9** of this regulation: (1) requires a pupil enrolled in a program of competency-based education to establish, in collaboration with the pupil's parent or guardian and each teacher who will provide instruction to the pupil under the program, a written plan for the advancement of the pupil through the program; and (2) establishes the required contents of the plan. **Section 10** of this regulation provides that if the Superintendent determines that an application to provide certain educational programs, including, without limitation, a program of competency-based education contains elements of two or more types of program, the Superintendent is required to evaluate the application in accordance with the standards for the program that is most applicable to the application, as determined by the Superintendent.

Existing law requires the State Board of Education to establish regulations for counting enrollment and calculating the average daily attendance of pupils. (NRS 387.123) Existing regulations prescribe the required number of school days and the number of minutes that constitute the minimum daily period of school for each grade level. (NAC 387.120, 387.131) Existing regulations further establish the circumstances under which a pupil is required to be recorded as in school for a full day of attendance. (NAC 387.185) **Section 1** of this regulation: (1) establishes the circumstances under which a pupil who is enrolled in a program of competency-based education is deemed to be enrolled in school full-time and in school for a full day of attendance; and (2) requires pupils enrolled in an approved program of competency-based education to be documented in the applicable electronic learning management system or the master register of enrollment and attendance and reported in the count of average daily enrollment. **Section 1** also requires certain pupils who are enrolled in an approved program of competency-based education and are deemed to be in school for a full day of attendance by completing the hours specified in the written plan for advancement established for the pupil to: (1) maintain a study log; and (2) meet or otherwise communicate at least once each week with a person who is licensed as a teacher or other educational personnel and who is authorized by the school district or charter school to discuss the pupil's progress in the program. **Sections 2-5** of this regulation make conforming changes to existing regulations governing school calendars, schedules and attendance to reflect that **section 1** governs enrollment and attendance by pupils enrolled in an approved program of competency-based education. (NAC 387.120, 387.131, 387.140, 387.185) **Section 2** also requires the Department to integrate the form for submitting a school calendar as an addendum to an application for approval of certain educational programs.

Existing law requires the State Board of Education to prescribe the courses of study for public schools in this State. (NRS 385.114, 389.021) Existing regulations establish the number of units of credit that a pupil is required to successfully complete to be promoted to high school, to advance to the next grade in high school and to graduate from high school with certain diplomas. (NAC 389.040, 389.445, 389.659, 390.430, 390.440, 390.443, 390.445) Under existing law: (1) a pupil is authorized to be granted credit for a specific course of study without having attended the regularly scheduled classes if the pupil demonstrates proficiency to meet the objectives of the course or particular areas of the course; and (2) the State Board of Education is required to adopt regulations governing the granting of such credit, including, without limitation, regulations prescribing the courses of study for which pupils may be granted credit without having attended the regularly scheduled classes. (NRS 389.171) **Section 11** removes the requirement for the board of trustees of each school district to prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes and to make that list available to school counselors, pupils and parents of pupils. (NAC 389.670)

Existing regulations authorize a school district under certain circumstances to allow credit toward graduation from high school for a pupil's experiences outside the high school campus. (NAC 389.674) **Section 12** of this regulation similarly authorizes a school district to allow such credit toward graduation for a pupil who is enrolled in a program of competency-based education if the experiences are included in the written plan of advancement established for the pupil pursuant to **section 9**.

Existing regulations require a school district, in preparing transcripts of the high school courses, credits and grades of a pupil, to use the form of the transcript prescribed by the Superintendent of Public Instruction unless the school district receives approval from the Superintendent for an alternative form. (NAC 389.700) **Section 13** of this regulation requires a school district offering a program of competency-based education to submit any such alternative form of transcript, or change to a previously approved form of transcript, to the Superintendent not later than June 1 immediately preceding the first school year for which the school district intends to use the alternative form or changed alternative form.

Existing law requires the State Board of Education to adopt regulations establishing a program pursuant to which certain pupils are authorized to complete any required or elective course by independent study outside of the normal classroom setting. (NRS 389.155) Existing regulations establish: (1) a procedure by which the board of trustees of a school district obtains the approval of the Superintendent of Public Instruction to provide a program of independent study; and (2) requirements for pupils to participate in a program of independent study, including, without limitation, a requirement for the pupil to enter into a written agreement with the teacher of the course of independent study, or the board of trustees of the school district or its designee, to establish, without limitation, the objectives of the course or program, the timeline for completion of assigned course work, a schedule of communications between the pupil and teacher and the method by which the teacher will assess the learning of the pupil. (NAC 389.720, 389.730, 389.750) **Sections 14-16** of this regulation specifically authorize pupils enrolled in a program of competency-based education to complete courses through a program of independent study and apply existing regulations governing the completion of such courses to pupil enrolled in a program of competency-based education.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A pupil who is enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation shall be deemed enrolled full-time if the pupil is in:

(a) Kindergarten or any grade from grades 1 to 8, inclusive, and is enrolled in:

(1) The minimum daily period required pursuant to subsection 1 of NAC 387.131; or

(2) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

(b) Any grade from grades 9 to 12, inclusive, and:

(1) Is enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or

(2) Has established a written plan for advancement pursuant to section 9 of this regulation that demonstrates that the pupil will complete during the school year sufficient coursework that is equivalent to the number of courses required for full-time pupils.

2. A pupil who is enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation shall be deemed to be in full attendance for a day if the pupil:

(a) Is in kindergarten or any grade from grades 1 to 12, inclusive, and is attending school for at least 50 percent of the number of minutes required for the daily session of his or her grade or category pursuant to NAC 387.131; and

(b) If the pupil is in any grade from grades 7 to 12, inclusive, completes the hours specified in the written plan for advancement established pursuant to section 9 of this regulation.

3. A pupil enrolled in a program of competency-based education that uses the model of attendance described in subsection 2 shall:

(a) Maintain a study log; and

(b) Meet or otherwise communicate at least once each week with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school to discuss the pupil's progress in the program of competency-based education.

↪ The information required by this subsection to record the attendance of a pupil must be included in the class record book required by NAC 387.165 for that pupil and documented in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171.

4. A pupil may meet the requirements to be deemed enrolled full-time by enrolling in any course, including, without limitation, courses of distance education, courses of independent study, career and technical programming, dual credit courses or an equivalent experience.

5. All pupils enrolled in a program of competency-based education that has been approved pursuant to section 7 of this regulation must be documented in the electronic learning management system or the master register of enrollment and attendance and reported in the count of the average daily enrollment of pupils pursuant to subsection 1 of NRS 387.1223.

Sec. 2. NAC 387.120 is hereby amended to read as follows:

387.120 1. Before May 1 of each year, each school district shall submit a copy of its school calendar for the approaching school year to the Department. If one calendar does not apply to all its schools or grades, the district 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.

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 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 as contingent days to be used as school days in session if:

(a) At least 75 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) The Governor declares a legal holiday not anticipated in the original school calendar.

↪ If a substantial majority of the schools within a school district are closed because of any of these conditions, all of the contingent days must be used before the school district 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 board of trustees of a school district or a school may be included in the number of school

days in session required in subsection 2 with the prior approval of the Superintendent of Public Instruction. A day for an organized teachers' conference 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 competency-based education* or a program of instruction in a detention home must contain at least 180 school days in session unless the school district or governing body of the charter school, as applicable, obtains the written approval of the Superintendent of Public Instruction for a program 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 *or a program of competency-based education pursuant to section 7 of this regulation* 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 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, a program of independent study or a program of competency-based education.

Sec. 3. 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	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, *a program of competency-based education* or a program of instruction in a detention home is identical to the period for a regular grade unless the school district:

- (a) Exercises its option pursuant to subsection 4 of NAC 387.140; or
- (b) 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 *or a program of competency-based education pursuant to section 7 of this regulation* 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 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 on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 4. NAC 387.140 is hereby amended to read as follows:

387.140 1. The Superintendent of Public Instruction may authorize a school district to conduct short school days in session on a continuing basis for up to 1 school year when facilities or conditions so require. To obtain the permission of the Superintendent of Public Instruction, a school district 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. Upon the written approval of the Superintendent of Public Instruction, a school district may schedule short school days in session on a continuing basis for pupils who are receiving instruction in an alternative program , *a program of competency-based education* or receiving instruction in a 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.

Sec. 5. NAC 387.185 is hereby amended to read as follows:

387.185 1. Except as otherwise provided in NAC 387.193 ~~H~~ *and section 1 of this regulation*, a pupil may be counted as in attendance only if the pupil is actually at school or engaged in an instructional activity which is:

- (a) Sponsored by the school;
- (b) Part of the program of the school;
- (c) Personally supervised by a member of the staff of the school; and
- (d) At a location approved by the school.

2. Except as otherwise provided in NAC 387.193, 387.286 and 387.291, *and section 1 of this regulation*, a full day of attendance must be recorded for a pupil if he or she is in attendance as described in subsection 1 for at least 50 percent of the minutes of instruction scheduled for the pupil for the school day.

Sec. 6. Chapter 389 of NAC is hereby amended by adding thereto the provisions set forth as sections 6 to 10, inclusive, of this regulation.

Sec. 7. 1. *To provide a program of competency-based education, the board of trustees of a school district or the governing body of a charter school must submit to the Department, in the form prescribed by the Department, a plan to operate a program of competency-based education and obtain the approval of the plan by the Superintendent of Public Instruction.*

2. The Superintendent of Public Instruction shall review each plan to operate a program of competency-based education submitted to the Department pursuant to subsection 1 and approve or deny the plan. The Superintendent of Public Instruction shall approve the plan if the plan satisfies the requirements of section 8 of this regulation and the Superintendent determines that the program of competency-based education:

(a) Is offered at a school on a school-wide basis, across a grade band or within a specific classroom;

(b) Provides for the earning of credit and the advancement of pupils to a higher level of learning when the pupil demonstrates mastery of a concept or skill, regardless of the time, place or pace at which the pupil progresses; and

(c) Provides for the mastery of a concept or skill in a manner that aligns with the portrait of a learner developed by the Department and the standards of content and performance prescribed by the State Board of Education.

3. As used in the section “portrait of a learner” means an initiative that aligns with the standards of content and performance prescribed by the State Board of Education and is developed by the Department to provide core academic knowledge to pupils from which pupils can apply durable skills.

Sec. 8. 1. *In developing a plan to operate a program of competency-based education for submission to the Department pursuant to section 7 of this regulation, the board of trustees of a school district or governing body of a charter school shall collaborate with a group consisting of at least one of each of the following persons:*

(a) A teacher at a school at which the program of competency-based education will be provided, at least one of whom must:

(1) If the program will be provided to pupils enrolled in a program of special education, hold a license to teach special education;

(2) If the program will be provided to pupils enrolled in a gifted and talented program, have an endorsement to teach pupils in a program for gifted and talented pupils; and

- (3) If the program will be provided to a pupil enrolled in a program of early childhood education, hold a license to teach early childhood education;*
- (b) The principal of a school at which the program of competency-based education will be provided or any other administrator of such a school;*
- (c) A representative of the regional training program, as defined in NRS 391A.105, for the professional development of teachers and administrators of a school at which the program of competency-based education will be provided;*
- (d) A person who is employed at a school at which the program of competency-based education will be provided in a position that promotes specialized instructional support at the school;*
- (e) A person with subject matter expertise in providing services to at-risk pupils, pupils who are experiencing homelessness or pupils in foster care;*
- (f) A parent or guardian of a pupil enrolled in a school at which the program of competency-based education will be provided who is not employed by the school district;*
- (g) A member of the community served by a school at which the program of competency-based education will be provided who is not an employee of the school district;*
- (h) If a school at which the program of competency-based education will be provided is located on qualified tribal land, as defined in NRS 387.3289, a representative of the Indian tribe exercising governmental power over that land; and*
- (i) If a school at which the program of competency-based education will be provided includes grades 7 to 12, inclusive:*
- (1) A pupil enrolled in the school; and*
 - (2) A representative of a local postsecondary educational institution.*

2. *A plan to operate a program of competency-based education must identify:*

(a) The manner in which pupils enrolled in the program will demonstrate mastery of a concept or skill, which must align with applicable academic content standards.

(b) The manner in which the school at which the program of competency-based education will be provided will collaborate with a pupil in the development of a written plan for advancement pursuant to section 9 of this regulation.

(c) A plan to provide professional development to the personnel at the school at which the program of competency-based education will be provided, as necessary to support the program.

(d) The use of instructional time and course schedules for each grade in which the program of competency-based education will be provided.

(e) The modalities for advancing or retaining a pupil in a course or grade, including, without limitation, the use of assessments, project-based learning, standards-based portfolios and any other modalities to assess whether to advance or retain a pupil in a course or grade.

(f) The manner in which the school at which the program of competency-based education will be provided will support and integrate into the program pupils who are English learners, pupils who are at risk of dropping out or not graduating and gifted and talented pupils.

(g) The manner in which the standards for social and emotional learning will be integrated into the program of competency-based education.

(h) The manner in which pupils will be assessed at the beginning of each school year for the purposes of placement in the program of competency-based education.

(i) The opportunities for tiered interventions and supports for at-risk pupils consistent with the statewide system of accountability for public schools.

(j) The primary teaching strategies to be used in the program of competency-based education.

3. As used in this section:

(a) “Artifact” means tangible objects or materials created by pupils during the course of instruction that are used to facilitate learning and demonstrate knowledge, including, without limitation, presentations, assignments and models.

(b) “Standards-based portfolio” means a collection of artifacts completed by pupils for the purpose of demonstrating competency within a single subject and according to academic content standards.

(c) “Tiered interventions and supports” means a system of targeted interventions for pupils needing additional academic, behavior, social and emotional support to be successful.

Sec. 9. 1. A pupil enrolled in a program of competency-based education shall, in collaboration with the parent or guardian of the pupil and each teacher who will provide instruction to the pupil under the program, establish a written plan for the advancement of the pupil though the school year in a course offered as part of the program.

2. A written plan for advancement established pursuant to subsection 1 must include, without limitation:

(a) An estimate of the time that the pupil anticipates will be needed to complete specific modules within the curriculum of a course;

(b) Whether the pupil anticipates remaining or advancing in a given course;

(c) The types of artifacts the pupil would like to develop as part of the process of developing and demonstrating mastery of a concept or skill;

(d) The learning goals and areas of interest of the pupil; and

(e) The learning modalities most supportive to the learning of the pupil.

Sec. 10. *If the Superintendent of Public Instruction determines that an application to provide a program of instruction based on an alternative schedule pursuant to NAC 387.125, an adult high school program pursuant to NAC 387.190, an alternative program pursuant to NRS 388.537, a program of distance education pursuant to NAC 388.830, a program of independent study pursuant to NAC 389.710 to 389.750, inclusive, or a program of competency-based education approved pursuant to section 7 of this regulation contains elements of two or more such programs, the Superintendent shall determine the program most applicable to the application and evaluate the application using the standards applicable to that program.*

Sec. 11. NAC 389.670 is hereby amended to read as follows:

389.670 1. The board of trustees of each school district shall prescribe an application for pupils to apply for credit for a specific course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171. The application must include, without limitation, the:

- (a) First and last name of the pupil;
- (b) Identifying information for the pupil, including, without limitation, the date of birth, student identification number assigned pursuant to subsection 2 of NAC 390.015 and the ethnicity and gender of the pupil;
- (c) Grade level of the pupil;
- (d) Home telephone number of the pupil;
- (e) Name and identification number of the school in which the pupil is enrolled;
- (f) Signature of the school counselor at the school in which the pupil is enrolled; and

(g) Name and number of the course of study for which the application is submitted.

2. ~~[The board of trustees of each school district shall prescribe the specific courses of study for which a pupil may be granted credit without having attended the regularly scheduled classes in the course pursuant to NRS 389.171, including, without limitation, Algebra I, Algebra II, geometry, trigonometry, computer literacy, English I, English II, English III, English IV, principles of science, life science, physical science, health, history of the United States, world history, government of the United States, sociology and world languages. The board of trustees of each school district shall make available to school counselors, pupils and parents of pupils a list of the courses of study prescribed pursuant to this subsection.~~

~~—3.]~~ The board of trustees of each school district shall:

(a) For the purposes of paragraph (a) of subsection 1 of NRS 389.171, establish a committee of teachers and administrators to select an appropriate examination for each course of study .

~~[prescribed pursuant to subsection 2.]~~ The examination must be based on the standards of content and performance prescribed for that course and the curriculum for that course adopted by the school district.

(b) For the purposes of paragraph (b) of subsection 1 of NRS 389.171, review and approve the examination developed by the principal and the pupil's teacher who provides instruction in the course for which credit is being sought.

(c) For the purposes of paragraph (c) of subsection 1 of NRS 389.171, review and approve the examination which the principal determines to be as rigorous or more rigorous than the examination selected pursuant to paragraph (a).

(d) Prescribe a minimum score of not less than 70 which a pupil must achieve on an examination approved pursuant to paragraph (a), (b) or (c) of subsection 1 of NRS 389.171 to

receive credit without having attended the regularly scheduled classes in the course. The minimum score must be established using objective criteria to ensure that a pupil demonstrates his or her proficiency to meet the objectives of the course.

~~14.1~~ 3. If a pupil who is deficient in a particular area or areas of a course of study wishes to receive credit for the course of study pursuant to paragraph (b) of subsection 1 of NRS 389.171, the pupil must submit the application prescribed by the board of trustees of the school district pursuant to subsection 1:

(a) Except as otherwise provided in paragraph (b), before the beginning of the school year immediately succeeding the school year in which the pupil was enrolled in the course.

(b) Within 1 school year after the end of the course if the application includes evidence of the pupil's completion during that year of not less than 20 hours of remedial study in the area or areas of the course in which the pupil is deficient.

~~15.1~~ 4. A pupil who withdraws from a school during the school year and does not reenroll in the school from which he or she withdrew or who does not enroll in another school in this State before the end of the current semester or trimester, as applicable, is not eligible to receive credit for a course of study pursuant to NRS 389.171.

~~16.1~~ 5. The State Board of Education may review:

(a) Any examination for which a pupil may receive credit for a course of study without having attended the regularly scheduled classes in the course pursuant to NRS 389.171; and

(b) The minimum score required on any such examination.

Sec. 12. NAC 389.674 is hereby amended to read as follows:

389.674 1. A school district may, under suitable criteria, allow credit toward graduation from high school for a pupil's experiences outside the high school campus if those experiences

are equivalent in kind and amount to the educational experiences being offered in the high school.

2. *A school district may allow credit toward graduation from high school for a pupil's experiences outside the high school campus as part of a program of competency-based education approved pursuant to section 7 of this regulation if, in addition to satisfying the requirements of subsection 1, those experiences are included in a written plan of advancement established for the pupil pursuant to section 9 of this regulation.*

3. A school district may, under suitable criteria, allow credit toward completion of an adult high school program for a pupil's experiences outside the adult high school program if those experiences are equivalent in kind and amount to the educational experiences being offered in the adult high school program.

Sec. 13. NAC 389.700 is hereby amended to read as follows:

389.700 1. In preparing a transcript of a pupil's high school record of courses, credits and grades, the school district shall use:

- (a) The form of transcript prescribed by the Superintendent of Public Instruction; or
- (b) An alternative form approved by the Superintendent. *A school district that intends to use an alternative form of transcript as part of the program of competency-based education approved pursuant to section 7 of this regulation, or change an alternative for previously approved by the Superintendent, shall submit the alternative form or changes to the alternative form, as applicable, to the Superintendent for approval pursuant to this paragraph not later than the June 1 immediately preceding the commencement of the first school year for which the school district intends to use the alternative form or changes to the alternative form, as applicable.*

2. In lieu of issuing the original transcript of a pupil's record, a school district may issue a ~~photostatic copy~~ *photocopy* if it is certified by the principal of the school to be a true, or official, copy of the original.

3. Each school district shall provide on all its permanent records and transcripts an explanation of the system of symbols which it uses for grading.

4. A school district operating a program of competency-based education approved pursuant to section 7 of this regulation must submit the alternative form described in paragraph (b) of subsection 1 for the approval of the Superintendent no later than June 1 before the beginning of the school year.

Sec. 14. NAC 389.720 is hereby amended to read as follows:

389.720 1. The board of trustees of a school district may submit to the Department of Education, in the form prescribed by the Department, a plan to operate a program of independent study. The program of independent study must contain the information prescribed in subsection 3 and must be offered as part of:

- (a) An adult high school program;
- (b) An alternative program for the education of pupils at risk of dropping out of school;
- (c) A program of distance education; ~~or~~
- (d) *A program of competency-based education; or*
- (e) Any other educational program offered by the school district.

2. The Superintendent of Public Instruction shall review each plan to operate a program of independent study submitted to the Department of Education and approve or deny the plan. If the plan is denied by the Superintendent, the school district may appeal the decision of the

Superintendent to the State Board of Education. The State Board may approve or deny the plan for a program of independent study upon appeal.

3. The board of trustees of a school district which provides for independent study shall:

(a) Develop a written policy for independent study, which must include, without limitation, the process by which a pupil may appeal a decision by the board of trustees which denies the pupil from enrolling in a course of independent study.

(b) Establish a system of recordkeeping for each pupil enrolled in a course of independent study. For each course that a pupil participates in, the record must include, without limitation:

(1) A copy of the written agreement required pursuant to NAC 389.750;

(2) A record of all communication between the pupil and the teacher;

(3) A record of the assignments that the pupil has completed; and

(4) A copy of the record which indicates the final grade and the number of units of credit earned by the pupil.

Sec. 15. NAC 389.730 is hereby amended to read as follows:

389.730 1. A pupil who is enrolled in school or in an alternative program pursuant to NRS 388.537, an adult high school program approved pursuant to NAC 387.190 , ~~for~~ a program of distance education established by a school district *or a program of competency-based education approved pursuant to section 7 of this regulation* may complete any required or elective course by independent study if the board of trustees of the school district in which the pupil is enrolled provides for independent study in accordance with NAC 389.710 to 389.750, inclusive.

2. A course of independent study may be taken at a location outside of the school district in which the pupil is enrolled upon the written approval of the board of trustees of the school district in which the pupil is enrolled.

Sec. 16. NAC 389.750 is hereby amended to read as follows:

389.750 1. A pupil shall enter into a written agreement with the teacher of the course of independent study or the board of trustees of the school district or its designee before the pupil may begin a course or program of independent study. A pupil may enter into a written agreement if the pupil participates in:

- (a) An adult high school program;
- (b) An alternative program;
- (c) A program of distance education; ~~or~~
- (d) *A program of competency-based education; or*
- (e) Any other educational program offered by the school district.

2. Such an agreement must include, without limitation:

- (a) The objectives of the course or program.
- (b) A timeline for the completion of the assigned course work.
- (c) A schedule of the communications between the pupil and the teacher that satisfies the requirements of subparagraph (2) of paragraph (a) of subsection 2 of NRS 389.155.
- (d) The method by which the teacher will assess the learning of the pupil.
- (e) If a pupil is under 18 years of age, the written approval of a parent or guardian of the pupil to participate in the course of independent study.

Sec. 17. NAC 389.829 is hereby repealed.

TEXT OF REPEALED SECTION

389.829 Requirements for participation in pilot program; submission and review of applications; selection of schools. (NRS 385.080, 389.210)

1. To participate in the pilot program to provide competency-based education established pursuant to NRS 389.210, a school must meet the qualifications and conditions prescribed in subsection 2 of that section.

2. The board of trustees of a school district or the governing body of a charter school that wishes to participate in the pilot program to provide competency-based education must submit an application to the Department on a form that has been prescribed by the Department and made available on the Internet website maintained by the Department.

3. The Department shall review each application submitted pursuant to subsection 2 and select the schools to participate in the pilot program to provide competency-based education.

Joe Lombardo
Governor

Dr. Victor Wakefield
Superintendent of Public
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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R079-25 by the Nevada State Board of Education

The Nevada Department of Education will hold a public hearing at **3:08 PM on Wednesday, April 22, 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, 388, 389, and 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:** Executive Order 2023-03 requires that agencies review their regulations for opportunities to streamline or clarify the language.
- 2. Description of the proposed regulation or the subjects and issues involved:** The proposed regulation provides clear and consistent language across chapters and education programs to streamline and align regulatory provisions.
- 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.

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

LCB File No. R079-25

March 18, 2026

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

AUTHORITY: § 1, NRS 385.080 and 388C.060; §§ 2-6, 10, 14, 16 and 22-29, NRS 385.080; § 7, NRS 385.080, 387.123 and 388.874; § 8, NRS 385.080, 387.123 and 389.155; §§ 9 and 11, NRS 385.080, 387.123 and 388.570, as amended by section 8 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3215; §§ 12, 13 and 15, NRS 385.080 and 387.123; § 17, NRS 385.080 and 388.090, as amended by section 15.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3395; §§ 18 and 19, NRS 385.080 and 388.537; §§ 20 and 21, NRS 388.874.

A REGULATION relating to education; making certain provisions applicable to each university school for profoundly gifted pupils; requiring each school district, charter school and university school for profoundly gifted pupils to use the uniform system of budgeting and accounting developed by the Department of Education; revising provisions governing the counting of enrollment and attendance for pupils enrolled in certain programs or who receive instruction at home or in certain facilities; revising provisions governing an application to offer an adult high school program; exempting certain pupils from provisions setting forth the length of a school day; revising the length of time that approval to provide certain programs remains effective; requiring the biennial rather than annual submission of information concerning the physical condition of each school; applying requirements a pupil enrolled in grade 9 must satisfy to obtain promotion to higher grade levels to all pupils; authorizing an innovation school or a school providing a program of competency-based education which uses fractional time units to grant credit to pupils proportionately; revising provisions concerning indicators signaled after completing certain standards for college readiness; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the formation and operation of charter schools and defines charter schools to be public schools. (NRS 385.007, chapter 388A of NRS) Existing law also provides for the establishment of a university school for profoundly gifted pupils, which, in general, is a school that is located on the campus of a university within the Nevada System of Higher Education, is operated through a written agreement with the university and provides an alternative program of education for profoundly gifted pupils. (Chapter 388C of NRS) Under

existing law, a university school for profoundly gifted pupils is deemed to be a public school except that the provisions of existing law governing public schools do not apply to a university school for profoundly gifted pupils unless a provision of existing law is made applicable by a specific statute or a regulation adopted by the State Board of Education. (NRS 385.007, 388C.050, 388C.060) **Section 1** of this regulation requires a university school for profoundly gifted pupils to comply with any applicable regulation governing the enrollment and counting of pupils and the budgeting and finances of a university school for profoundly gifted pupils. **Section 4** of this regulation: (1) changes the uniform system of accounting required to be used by each school district from the Nevada Financial Accounting Handbook for Local Education Agencies to a uniform system of budgeting and accounting developed by the Department of Education pursuant to existing law; and (2) requires each charter school and university school for profoundly gifted pupils to use that uniform system of budgeting and accounting and submit certain financial reports to the Department in the same manner as school districts. (NRS 387.3035; NAC 387.119)

Under existing law, the yearly apportionment of money from the State Education Fund to each school district is determined by: (1) multiplying the adjusted base per pupil funding established by the Legislature for the school district by the sum of the count of pupils based on the average daily enrollment of pupils enrolled in public schools or certain programs of the school district; and (2) adding to that amount certain additional funding prescribed by existing law. (NRS 387.1223) Existing regulations establish requirements for certain pupils to be included in the count of pupils enrolled in a school district, or receiving instruction from a school district, including, without limitation, pupils recorded as withdrawn from school, pupils enrolled in kindergarten, pupils enrolled in a program of distance education, pupils placed for independent study, pupils receiving instruction in a juvenile detention facility or alternative to detention in a juvenile detention facility or pupils receiving instruction in a medical facility. (NAC 387.115, 387.193, 387.195, 387.197, 387.220, 387.283, 387.286, 387.291, 387.345) **Section 2** of this regulation revises the definition of “instructional program” for the purpose of determining whether a pupil must be recorded as withdrawn for the purposes of the count of pupils because the pupil was enrolled in the school district at the end of the previous school year but did not complete an instructional program, transfer, withdraw or reenroll and did not return to school by December 1 of the current school year. (NAC 387.058, 387.220) **Section 3** of this regulation removes a requirement that pupils in kindergarten who are enrolled for less than 240 minutes of instruction in each school day be included in the count of pupils with a weight of six-tenths because existing law requires all pupils in kindergarten to be counted without such a weight. (NRS 387.1223, 387.123; NAC 387.115) **Section 7** of this regulation revises the provisions governing the circumstances under which a pupil enrolled in a program of distance education is deemed to be enrolled as a full-time pupil. (NAC 387.193) **Section 10** of this regulation makes a conforming change to update a reference to a subsection renumbered by **section 7**. **Section 8** of this regulation requires pupils placed for independent study who satisfy certain requirements to be reported as enrolled in quarterly reports, rather than monthly reports, of the average daily enrollment submitted to the Department because existing law provides for quarterly reports of average daily enrollment. (NRS 387.1223) **Section 12** of this regulation provides that a pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by individual instruction at home or in a medical facility under the supervision of a licensed teacher may be reported as enrolled and in attendance at the school the pupil would normally attend pursuant to guidelines issued by the Department rather

than in a monthly report or a specific separate monthly report. (NAC 387.286) **Section 13** of this regulation makes the same change with respect to a pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher. (NAC 387.291) **Section 15** of this regulation revises provisions governing the circumstances under which a pupil enrolled in grade 9, 10, 11 or 12 is counted as enrolled full-time by requiring the minimum number of courses to constitute the minimum daily period of attendance or, in the case of a pupil enrolled in grade 12 and on track to graduate from high school, 50 percent of the minimum daily period of attendance. (NAC 387.345) **Section 29** of this regulation: (1) repeals the definition of “average daily attendance” because the term is defined in statute and is no longer used in the applicable chapter of the Nevada Administrative Code; and (2) repeals requirements for a pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher and who does not attend classes on a regular basis because of extreme distance from the school to be deemed enrolled in a school district and in full attendance. (NAC 387.015, 387.293)

Existing regulations: (1) prescribe the required number of school days and the number of minutes that constitute the minimum daily period of school for each grade level; and (2) establish the circumstances under which a pupil is required to be recorded as in school for a full day of attendance. (NAC 387.120, 387.131, 387.185) Existing regulations further establish requirements for the enrollment and attendance of pupils enrolled in certain educational programs, including, without limitation, independent study, adult high school, distance education, instruction in a detention facility or alternative to such detention, or an alternative program for the education of pupils at risk of dropping out of school. (NAC 387.190, 387.193, 387.195, 387.197, 387.283, 387.330, 388.510) **Section 5** of this regulation extends to approved programs of independent study a requirement that for an approved program of independent study to be deemed to be approved to provide a different minimum daily period for pupils, the program must demonstrate progress or completion by pupils in a curriculum that is equivalent to the regular school curriculum. (NAC 387.131) **Section 6** of this regulation: (1) requires an application by a school district to the Department for permission to conduct an adult high school program to include procedures to be used to report enrollment and attendance of pupils enrolled in the program; and (2) provides that the approval of the program expires when the school district revises the procedures or the program such that the school district must obtain the approval of the Superintendent of Public Instruction when such revisions are made. **Section 14** of this regulation requires a school district that offers an adult high school program to ensure the pupils enrolled in the program are included in the master register of enrollment and attendance required by existing regulations. **Section 9** of this regulation: (1) updates references to juvenile detention facilities in existing regulations governing the instruction of pupils detained in detention facilities or alternatives to such detention; (2) requires a school district providing such instruction to ensure that children receiving instruction in a detention facility or alternative to such detention are included in the master register of enrollment and attendance required by existing regulations; and (3) requires the reporting of such children in the quarterly report of average daily enrollment submitted by the school district to the Department. **Section 11** of this regulation: (1) updates references to juvenile detention facilities; and (2) revises the period for the effectiveness of the approval of the Superintendent of Public Instruction of the procedures of a school district for reporting the enrollment and attendance by pupils detained in a detention facility or alternative program. **Section 17** of this regulation clarifies that an exception to the

requirement for the period that constitutes a school day in session applies to pupils who have an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher. (NAC 388.180) **Section 18** of this regulation provides that the approval of the Superintendent of Public Instruction of a plan for an alternative program for the education of pupils at risk of dropping out of school expires when the school district providing the program revises the plan such that the school district must obtain the approval of the Superintendent when it revises the plan. **Section 19** of this regulation incorporates references to applicable regulations governing independent study in existing regulations governing a plan to provide independent study as part of an alternative program for the education of pupils at risk of dropping out of school. (NAC 388.520)

Existing regulations require each school district, on or before August 1 of each year, to review the physician condition of each school within the school district and submit information relating to the physical condition of each school to the State Board of Education. (NAC 387.501) **Section 16** of this regulation requires this review to be performed in odd-numbered years rather than every year.

Sections 20 and 21 of this regulation remove references to repealed statutes in existing regulations governing the approval of programs of distance education. (NAC 388.825, 388.830) **Section 21** additionally removes the requirement that the approval of the Department for a program of distance education is effective for 3 years after the date of approval and, instead, provides that such an approval is effective for the earlier of 5 years after the date of approval or until the school district revises the program or its procedures. (NAC 388.830)

Existing regulations define the terms “semester” and “trimester” for the purposes of establishing the instructional periods that make up a school year. (NAC 389.034, 389.036, 390.051) **Sections 22 and 28** of this regulation revise the definition of “semester,” and **section 23** of this regulation revises the definition of “trimester,” to clarify that those periods are based on the school calendar of the school that is submitted to the Department under existing regulations. (NAC 387.120)

Existing regulations define the term “unit of credit” for the purpose of determining the amount of credit that a pupil in junior high or high school is required to earn to be promoted to the next grade and to graduate from high school. (NAC 389.040, 389.445, 389.659, 389.666) **Section 24** of this regulation revises this definition by clarifying the programs in which a pupil may participate to earn the equivalent of the specified amount of credit. **Section 25** of this regulation clarifies that the requirement to earn a certain amount of units of credit to be promoted to the next grade of high school applies to all pupils, including, without limitation, pupils enrolled in an approved program of competency-based education, in an approved program of distance education or in an innovation school. **Section 26** of this regulation authorizes an innovation school or a school providing a program of competency-based education to use fractional time units, in measures of not less than one-fourth of a unit, to grant credit to a pupil based on the demonstrated proficiency of the pupil in a course of study.

Existing regulations provide that the successful completion by a pupil of the standards for college and career readiness set forth in existing regulations is a strong indication that the pupil has attained certain achievements and skills. (NAC 389.840) **Section 27** of this regulation additionally provides that such a pupil has demonstrated competencies which align with the Nevada Portrait of a Learner developed by the Department.

Section 1. Chapter 387 of NAC is hereby amended by adding thereto a new section to read as follows:

A university school for profoundly gifted pupils shall comply with the applicable provisions of this chapter.

Sec. 2. NAC 387.058 is hereby amended to read as follows:

387.058 “Instructional program” means a program designed to enable a pupil to earn ~~fa standard high school diploma, an adult standard diploma, an adjusted diploma or an alternative~~ any type of diploma ~~+~~ evidencing graduation from high school in accordance with criteria prescribed by the State Board of Education.

Sec. 3. NAC 387.115 is hereby amended to read as follows:

387.115 “Weighted count of enrollment” means the unweighted count of enrollment except that ~~the number of pupils in kindergarten who are enrolled in a program of instruction that provides less than 240 minutes of instruction in each school day and~~ pupils who are 3, 4 and 5 years of age who are not enrolled in kindergarten but are receiving special educational services pursuant to NRS 388.435 must be stated as six-tenths of the unweighted count of enrollment.

Sec. 4. NAC 387.119 is hereby amended to read as follows:

387.119 1. To ensure a uniform system of accounting, each school district , *charter school and university school for profoundly gifted pupils* shall use the ~~Nevada Financial Accounting Handbook for Local Education Agencies.~~ *uniform system of budgeting and accounting developed by the Department pursuant to NRS 387.3035.*

2. Each school district , *charter school and university school for profoundly gifted pupils* shall provide to the Department financial reports that attribute expenditures to each school or

cost center within the school district , *charter school or university school for profoundly gifted pupils, as applicable*, in a format prescribed by the Department.

3. As used in this section, “cost center” means an account to which costs are recorded for services that benefit the school district as a whole and are not directly attributable to a particular school.

Sec. 5. 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	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 detention home is identical to the period for a regular grade unless the school district:

(a) Exercises its option pursuant to subsection 4 of NAC 387.140; or

(b) 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 *or a program of independent study pursuant to NAC 389.720* 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 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 on which pupils in kindergarten are assessed for instructional purposes may be counted as a school day in session.

Sec. 6. NAC 387.190 is hereby amended to read as follows:

387.190 1. A person who meets the requirements prescribed by NRS 392.0175 may be enrolled as a pupil in an adult high school program designed to enable him or her to obtain a diploma.

2. A person who is at least 16 years of age but less than 18 years of age and who participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537 may enroll in an adult high school program with the approval of the board of trustees of the school district in which the pupil is enrolled only for the purpose of preparing to take a high school equivalency assessment.

3. Before commencing an adult high school program, a school district must apply to the Department for permission to conduct the program. The application must be made on a form provided by the Department and include the:

(a) Name of the course to be taught; ~~and~~

(b) Proposed beginning and ending dates for each class ~~;~~ *and*

(c) Procedures to be used for the reporting of enrollment and attendance for pupils enrolled in the program.

4. The Superintendent of Public Instruction shall review each application to operate an adult high school program submitted to the Department and approve or deny the application. If the application is denied by the Superintendent, the school district may appeal the decision of the Superintendent to the State Board of Education. The State Board may approve or deny the application for an adult high school program upon appeal.

5. An application that has been approved by the Superintendent of Public Instruction or the State Board of Education pursuant to subsection 4 remains in effect for ~~5~~ *the earlier of:*

(a) Five years after the date of approval ~~;~~ ~~The board of trustees of a school district shall update its plan to operate an adult high school program at least once annually if a substantive change is made to the plan.~~ *;* ~~or~~

(b) The date upon which the school district revises the procedures or program.

6. A class that is part of an approved program may begin or end at any time during the school year.

7. A school district that offers an adult high school program shall offer a sufficient number of required and elective courses for a pupil enrolled in the program to obtain the credits necessary to receive an adult standard diploma. Such required and elective courses must include the content identified in the school district's approved curriculum.

Sec. 7. NAC 387.193 is hereby amended to read as follows:

387.193 1. A pupil who is enrolled in a program of distance education that has been approved pursuant to NAC 388.830 shall be deemed ~~{an}~~ enrolled ~~{pupil}~~ *full-time* if:

(a) The ~~{school district or charter school has evidence, as documented in the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171, of:}~~ *pupil is enrolled in kindergarten or in any grade from grades 1 to 8, inclusive, and is enrolled in:*

(1) The ~~{progress of the pupil toward completing the number of courses required for full-time pupils specified in the written plan for enrollment for the pupil developed pursuant to paragraph (b) of subsection 6;~~

~~—(2) The enrollment of the pupil in the}~~ minimum daily period required pursuant to NAC 387.131; ~~{and~~

~~—(3) The enrollment in} or~~

(2) If an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131, a curriculum that is equivalent to the regular school curriculum;

~~{and}~~

(b) *The pupil is enrolled in any grade from grades 9 to 12, inclusive, and:*

(1) Is enrolled in the number of courses required to be counted as a full-time pupil pursuant to subsection 3 of NAC 387.345; or

(2) Has a written plan for enrollment prepared that demonstrates that the pupil will complete the number of courses required to be counted as a full-time pupil pursuant to subsection 3 of NAC 387.345 during the school year;

~~(c)~~ For each course of distance education in which the pupil is enrolled ~~†~~
~~—(1) The†~~, *the* course is included on the list of approved courses of distance education prepared and published by the Department pursuant to NRS 388.834; and

~~(2)†~~ *(d)* The name of the pupil is included in the electronic learning management system ~~†~~
~~†~~ *and* the master register of enrollment and attendance required by NAC 387.171.

2. Each pupil enrolled in a course of distance education offered through a program of distance education ~~†~~ ~~must†~~ *may* be recorded in ~~†~~ ~~full†~~ attendance ~~†~~ ~~for each week that†~~ *if* the school district or charter school has evidence of the pupil's progression in each course as documented ~~†~~

~~—(a) In†~~ *in* the electronic learning management system ~~†~~

~~—(b) By†~~ *and* the ~~†~~ ~~pupil's participation†~~ *pupil:*

(a) Participates in a real-time class session for the course which is conducted by a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course; or

~~†~~ ~~(c) By the pupil meeting†~~

(b) Meets or otherwise ~~†~~ ~~communicating†~~ *communicates at least three times each week* with a person who is licensed pursuant to chapter 391 of NRS and who is authorized by the school district or charter school for the course to discuss the pupil's progress.

↪ The information required by this subsection to record the attendance of a pupil must be included in the class record book required by NAC 387.165 and the master register of enrollment and attendance required by NAC 387.171 for that pupil. *The information required by this subsection must be available for the school district in which the school is located or the charter school to access in real time through the electronic learning management system or the master register of enrollment and attendance required by NAC 387.171.*

3. ~~[A pupil who is enrolled full time in a program of distance education provided by:~~
 - ~~—(a) The board of trustees of a school district must be entered as an enrolled pupil in the master register of enrollment and attendance for the public school to which the pupil is declared affiliated by the board of trustees pursuant to NRS 388.862.~~
 - ~~—(b) A charter school must be entered as an enrolled pupil in the master register of enrollment and attendance for the charter school.~~
- ~~4. A pupil shall be deemed enrolled full time in a program of distance education if:~~
 - ~~—(a) The program of distance education contains the number of school days in session required pursuant to NAC 387.120;~~
 - ~~—(b) The time that the pupil spends in the program is recorded by the pupil, the parent or legal guardian of the pupil, or by a computerized program; and~~
 - ~~—(c) The pupil satisfies the requirements of subsection 5 or 6, as applicable for his or her grade level.~~
- ~~5. For purposes of full-time enrollment in a program of distance education, a pupil in kindergarten or in any grade from grades 1 to 8, inclusive, must be enrolled in:~~
 - ~~—(a) The minimum daily period required pursuant to NAC 387.131; or~~

~~—(b) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.~~

~~—6. For purposes of full-time enrollment in a program of distance education, a pupil in any grade from grades 9 to 12, inclusive, must:~~

~~—(a) Be enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or~~

~~—(b) Have a written plan for enrollment prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.~~

~~—7.1~~ If a pupil is enrolled part time in a program of distance education, the record of the part-time attendance of the pupil must be maintained separately from the record of attendance maintained by the school in which the pupil is otherwise enrolled.

~~18.1~~ 4. As used in this section, “electronic learning management system” means an electronic system used by a school district or charter school to track the enrollment, attendance, progression and participation of a pupil enrolled in a course of distance education offered through a program of distance education provided by the school district or charter school.

Sec. 8. NAC 387.195 is hereby amended to read as follows:

387.195 1. Except as otherwise provided in subsection 2, any pupil who is placed for independent study by a school district pursuant to a plan approved in accordance with NAC 389.720 shall be deemed to be in full attendance for a day if the combined number of minutes during which the pupil is:

- (a) Attending school; and
- (b) Completing the hours specified in his or her contract for independent study,

↪ equals at least 50 percent of the number of minutes required for the daily session of his or her grade or category.

2. A pupil enrolled in independent study who is in kindergarten or in any grade from grades 1 to 8, inclusive, shall be deemed enrolled full-time if the pupil is enrolled in:

(a) The minimum daily period required pursuant to NAC 387.131; or

(b) A curriculum that is equivalent to the regular school curriculum, if an exception to the minimum daily period has been approved pursuant to subsection 3 of NAC 387.131.

3. A pupil enrolled in independent study who is in any grade from grades 9 to 12, inclusive, shall be deemed enrolled full-time if:

(a) The pupil is enrolled in the number of courses required for full-time pupils pursuant to subsection 3 of NAC 387.345; or

(b) A written plan for enrollment has been prepared for the pupil which demonstrates that the pupil will complete during the school year the number of courses required for full-time pupils.

4. A pupil who is enrolled in independent study shall maintain a study log, which may be used to verify the pupil's attendance.

5. A pupil placed for independent study must be reported as enrolled ~~on~~ *in* the ~~monthly reports~~ *report of the average daily enrollment of pupils* submitted *quarterly* to the Department ~~+~~ *pursuant to NRS 387.1223, as amended by section 4.5 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3206.*

Sec. 9. NAC 387.197 is hereby amended to read as follows:

387.197 1. A school district that provides instruction to children who are detained in detention ~~homes~~ *facilities* or alternative programs pursuant to NRS 388.550, 388.560 and 388.570 shall maintain, for the children who receive the instruction, a class record book in

accordance with NAC 387.165 and *shall ensure such children are included in* the master register of enrollment and attendance required by NAC 387.171.

2. Except as otherwise provided in this subsection, if a child is detained in a detention ~~home~~ *facility* or alternative program, the school district of the child's residence shall be deemed the school district responsible for providing educational services to the child and is the only school district that may include the child in the count of pupils for purposes of apportionment. A school district other than the district of the child's residence may include the child in the count of pupils for purposes of apportionment of that school district if the school district has:

(a) Entered into a written agreement with the school district of the child's residence to provide educational services to the child; or

(b) Obtained the written approval of the Superintendent of Public Instruction to provide educational services to the child.

3. A child who is detained in a detention facility or alternative program and receives instruction from a school district must be reported as enrolled in the report of the average daily enrollment of pupils submitted quarterly to the Department pursuant to NRS 387.1223, as amended by section 4.5 of Senate Bill No. 81, chapter 491, Statutes of Nevada 2025, at page 3206, by the school district that includes the child in its count of pupils pursuant to subsection 2.

Sec. 10. NAC 387.200 is hereby amended to read as follows:

387.200 1. Except as otherwise provided in subsection ~~7~~ *3* of NAC 387.193, a pupil must not be entered as an enrolled pupil in the master register of enrollment and attendance of more than one public school on the same day.

2. A pupil remains enrolled in the public school until the pupil is transferred from the school or his or her name is withdrawn from its master register. A pupil is not withdrawn from school if he or she is:

(a) Truant from school and documentation of the truancy is maintained by the school district;
or

(b) Absent from school for a period of less than 20 consecutive school days, with an expected date of return within 20 school days after the first day of the period in which the pupil is absent.

3. If a pupil:

(a) Enrolls in another school before the pupil has completed the school year, the effective date of withdrawal is the last day that the pupil attended class.

(b) Enrolls in another school after the pupil has completed the school year, the effective date of withdrawal is the last school day of the school calendar for the school year.

(c) Enrolls in another school in the same school district within 10 consecutive school days after a change of residence of the pupil, the effective date of withdrawal is the date immediately preceding the date on which the pupil enrolled in the other school.

(d) Does not enroll in another school and the parent or legal guardian of the pupil notified the school district of the withdrawal, the effective date of withdrawal is the last day that the pupil attended class.

(e) Is placed in a detention home or alternative program in another school district, the effective date of withdrawal is the last day that the pupil attended class or the day on which the pupil is placed in control of the personnel for the detention home or alternative program, including days for processing and proceedings for placement, whichever is earlier.

(f) Does not attend school for 10 consecutive school days and the whereabouts of the pupil are unknown, the effective date of withdrawal is the 10th consecutive school day that the pupil failed to attend school.

(g) Does not attend school for 20 consecutive school days and the whereabouts of the pupil are known, the effective date of withdrawal is the 20th consecutive school day that the pupil failed to attend school.

Sec. 11. NAC 387.283 is hereby amended to read as follows:

387.283 1. Each school district and charter school shall submit to the Superintendent of Public Instruction or his or her designee, in advance, ~~{a written proposal}~~ *an application for approval* of its procedures to be used for the reporting of enrollment and attendance with respect to a pupil placed in a detention ~~{home}~~ *facility* or alternative program in the district or charter school.

2. The *application must contain a written proposal of the* procedures ~~{must describe}~~ *that describes* in detail:

(a) The method by which the school district or charter school determines whether the pupil is reported as enrolled in and attending a regular school or a program of instruction in a detention ~~{home}~~ *facility* or alternative program;

(b) The means by which the district or charter school ensures that a pupil in a detention ~~{home}~~ *facility* or alternative program is not included in the count of enrollment and attendance of both a regular school and a program of instruction in a detention ~~{home}~~ *facility* or alternative program;

(c) How the school district or charter school will account for a pupil who is receiving instruction in a detention ~~{home}~~ *facility* or alternative program located within the district or in

the charter school, but who is a resident of a school district in which the detention ~~home~~ facility or alternative program is not located; and

(d) How the school district or charter school will account for a pupil who is a resident of the school district in which the detention ~~home~~ facility or alternative program is located and for whom the school district or charter school is providing for the pupil to receive instruction in a detention ~~home~~ facility or alternative program located in another school district.

3. The Superintendent of Public Instruction or his or her designee may approve or reject the submitted ~~procedures~~ application. If the Superintendent or his or her designee rejects the ~~procedures~~ application, the Superintendent shall prescribe the method of reporting for that school district or charter school for that school year. The approval of the Superintendent of Public Instruction is effective *for 5 years or* until the school district or charter school revises the procedures ~~H~~, *whichever is earlier*.

Sec. 12. NAC 387.286 is hereby amended to read as follows:

387.286 1. A pupil who has an illness or a disability which dictates that the requirement of compulsory attendance be fulfilled by individual instruction at home or in a medical facility under the supervision of a licensed teacher employed by the school district shall be deemed enrolled within that district if he or she is scheduled to receive at least 5 hours of instruction per week directly from the supervising teacher in the form of individual tutoring. The tutoring may be conducted by means of electronic telecommunication.

2. Each hour of teaching devoted to the individual instruction of the pupil is equivalent to a full day of attendance. More than 1 day of attendance may be accumulated during a single instructional session of more than 1 hour, but the number of days of attendance reported for the

pupil for that school year may not exceed the minimum number of days of free school required by NRS 388.090.

3. A pupil with a disability receiving instruction pursuant to this section must receive the type and duration of instruction specified in the pupil's individualized education program, and all reporting of enrollment and attendance must be based upon the requirements of that program.

4. The pupil may be reported ~~monthly~~ as enrolled and in attendance at the school he or she would normally attend ~~;~~ ~~or a separate monthly report may be submitted, marked "Individual Tutoring at Home or in a Medical Facility."~~ *pursuant to the applicable guidelines issued by the Department.*

Sec. 13. NAC 387.291 is hereby amended to read as follows:

387.291 1. A pupil who has an illness or disability which dictates that the requirement of compulsory attendance be fulfilled by instruction as part of a group in a medical facility under the supervision of a licensed teacher employed by the school district shall be deemed enrolled within that district if he or she is scheduled to receive at least 15 hours of instruction per week directly from the supervising teacher. If a pupil does not attend or participate in the instruction for more than 10 consecutive school days, the school district shall report the pupil as a withdrawal pursuant to NAC 387.215. The pupil may reenroll after such a withdrawal if he or she is able and willing to participate in the instruction.

2. Each 3 hours of teaching devoted to instruction of pupils under this program is the equivalent of a full day of attendance. More than 1 day of attendance may be accumulated during a single instructional session of more than 3 hours, but the number of days of attendance reported for the pupil for that school year may not exceed the minimum number of days of free school required by NRS 388.090.

3. A pupil with a disability receiving instruction pursuant to this section must receive the type and duration of instruction specified in the pupil's individualized education program, and all reporting of enrollment and attendance must be based upon the requirement of that program.

4. The pupil may be reported ~~monthly~~ as enrolled and in attendance at the school he or she would normally attend ~~;~~ ~~or a separate monthly report may be submitted, marked "Instruction of Groups in a Medical Facility."~~ *pursuant to the applicable guidelines issued by the Department.*

Sec. 14. NAC 387.330 is hereby amended to read as follows:

387.330 1. An adult high school program must be operated in accordance with the standards prescribed in NAC 387.190 and any additional standards prescribed by the Department. A school district that offers a program for pupils to obtain an adult standard diploma shall *ensure that pupils enrolled in the program are included in the master register of enrollment and attendance required by NAC 387.171 and* maintain ~~a register of enrolled pupils and~~ a list of classes that are offered.

2. Enrollment and attendance for each class must be recorded in the class record book in the manner prescribed in NAC 387.165.

3. Reports of enrollment and attendance must be submitted to the Department:

(a) On a form prescribed by the Department for that purpose; and

(b) Annually on the date prescribed by the Department.

4. The Department shall determine the amount of money allocated to a school district that operates a program for pupils to obtain an adult standard diploma based upon a plan or formula developed by the Department to ensure that money is distributed equitably and in a manner that allows accounting for the expenditures of school districts.

Sec. 15. NAC 387.345 is hereby amended to read as follows:

387.345 1. Except as otherwise provided in subsections 3 and 4, for calculating the yearly apportionment for each school district, the count of pupils used to determine the average daily enrollment of pupils in a school district for any quarter during a school year, reported to the Department pursuant to subsection 1 of NRS 387.1223, must be based on the weighted count of enrollment of pupils in the school district for that quarter, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school or university school for profoundly gifted pupils.

2. On a form prescribed by the Superintendent of Public Instruction, the superintendent of schools of each school district shall certify to the Department on or before October 1, January 1, April 1 and July 1 of each school year the weighted count of enrollment for the immediately preceding quarter of the school year. If a charter school or a university school for profoundly gifted pupils submits a form pursuant to this subsection, the charter school or university school for profoundly gifted pupils shall, upon the request of the sponsor of the charter school, the governing body of the university school for profoundly gifted pupils or a school district in which a pupil enrolled in the charter school or university school for profoundly gifted pupils resides, provide a copy of the form to the requester.

3. A school district shall not count a pupil who enrolls in grade 9, 10, 11 or 12 as a full-time pupil for the purpose of calculating the yearly apportionment for the school district for a school year unless the pupil is *enrolled* in a minimum of:

(a) Six courses ~~for the equivalent of six periods per day~~ *making up the minimum daily period set forth in NAC 387.131* if he or she is in grade 9, 10 or 11; or

(b) Four courses ~~for the equivalent of four periods per day~~ *making up at least 50 percent of the minimum daily period set forth in NAC 387.131* if he or she is in grade 12 ~~+~~ *and the school in which the pupil is enrolled validates that the pupil is on track to graduate.*

4. A school district shall not count a pupil who is 21 years of age or older on or before September 30 of a school year for the purpose of calculating the yearly apportionment for the school district for that school year unless:

(a) The pupil is a pupil with a disability who is eligible to receive the benefits provided by NRS 388.5223 to 388.5243, inclusive, pursuant to NRS 388.5223; or

(b) The Superintendent of Public Instruction has given express permission for the pupil to be counted.

↪ The grade level of a pupil is determined by the number of credits held by the pupil.

5. For the purposes of subsections 2 and 3 of NRS 387.1223, the enrollment of pupils in a charter school or in a university school for profoundly gifted pupils includes the pupils enrolled in the charter school or university school for profoundly gifted pupils who reside in the school district in which the charter school or university school for profoundly gifted pupils is located and the pupils enrolled in the charter school or university school for profoundly gifted pupils who reside outside that school district.

Sec. 16. NAC 387.501 is hereby amended to read as follows:

387.501 On or before August 1 of each *odd-numbered* year, each school district shall:

1. Review the physical condition of each school within the school district; and

2. Submit the information relating to the physical condition of each school to the State

Board of Education in the form and manner prescribed by the Superintendent of Public Instruction.

Sec. 17. NAC 388.180 is hereby amended to read as follows:

388.180 Except as otherwise provided by NAC 387.125, ~~subsection 2 of NAC~~ 387.131 , ~~and NAC~~ 387.286 ~~;~~ **and 387.291**, a school day in session for a unit must consist of the minimum daily periods established for the grade by subsection 1 of NAC 387.131.

Sec. 18. NAC 388.510 is hereby amended to read as follows:

388.510 1. A plan for an alternative program submitted for approval pursuant to NRS 388.537 must be on a form approved by the Department of Education and must address the considerations set forth in NRS 388.537.

2. A plan for an alternative program that is approved pursuant to NRS 388.537 remains in effect for 5 years after the date of approval ~~[- The board of trustees of a]~~ **or until the** school district ~~[shall update]~~ **revises** its plan for an alternative program ~~[at least once annually if a substantive change is made to the plan.]~~ , **whichever is earlier.**

Sec. 19. NAC 388.520 is hereby amended to read as follows:

388.520 1. An alternative program may include a plan to provide for independent study pursuant to NAC 389.710 to 389.750, inclusive.

2. A plan to provide for independent study must include:

(a) A description of the pupils targeted for enrollment in courses of independent study.

(b) A list of the intended instructors, including an identification of the subject areas that each instructor will teach.

(c) The names of the courses of independent study to be taught.

(d) A plan for maintaining the records of each pupil placed for independent study in accordance with the requirements set forth in NAC **387.195 and** 389.720.

(e) A statement of the maximum period allowed to complete the courses of independent study.

(f) A statement of the maximum number of credits that a pupil may earn in courses of independent study.

Sec. 20. NAC 388.825 is hereby amended to read as follows:

388.825 1. The Department shall prescribe the form for an application for inclusion of a course of distance education on the list of approved distance education courses prepared and published by the Department. The Department shall not accept or review an application for a course that contains a commercial advertisement. Each application must include:

- (a) The name of the person or entity that is the provider of the course of distance education;
- (b) The original signature of the person or authorized representative of the entity submitting the application;
- (c) If applicable, the date on which the application was approved by the board of directors, board of regents, board of trustees or other governing body of the entity that submitted the application;
- (d) If applicable, a description of the regional or national accreditation status attained by the entity that submitted the application and the date on which such accreditation was granted; and
- (e) For each course identified in the application:
 - (1) The specific title of the course;
 - (2) The amount of credit to be awarded for successful completion of the course;
 - (3) The number of instructional hours provided as part of the course;

(4) A description of the course, including, without limitation, the syllabus for the course, a list of each textbook that will be used for the course and any supplemental materials that will be used for the course;

(5) A description of the method used for delivery of instruction, including, without limitation, the method by which a teacher will meet or otherwise communicate with each pupil enrolled in the course at least once each week to discuss the pupil's progress;

(6) A description of the manner by which the academic achievement of pupils enrolled in the course will be assessed and the criteria that will be used to determine the grades assigned to pupils who complete the course;

(7) If the subject area offered by the course is a subject area for which the State Board of Education has:

(I) Adopted standards of content and performance , ~~pursuant to NRS 389.520,~~ documentation which demonstrates that the course is aligned with those standards; or

(II) Otherwise adopted regulations setting forth the requirements for the subject area offered by the course, documentation which demonstrates that the course is aligned with those requirements;

(8) If available at the time the application is submitted, the name of the teacher who will provide instruction for the course and, if the course is a core academic subject, as defined in NRS 389.018, a copy of the license of the teacher;

(9) If a teacher has not been identified at the time the application is submitted, a description of the qualifications that will be used to employ a teacher for the course; and

(10) The name, address and telephone number of the person who will administer the course.

2. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice of its approval or denial of the application to the applicant. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department.

3. Except as otherwise provided in NAC 388.860, if a course is approved pursuant to this section, the approval is valid for 3 years, commencing with the date on which the course is first included on the list of approved distance education courses published by the Department. The Department shall prescribe forms for the renewal of an application. A provider of a course of distance education must submit an application for renewal to the Department at least 60 days before the expiration of the approval to maintain the course on the list of approved distance education courses.

4. If a provider of a course of distance education intends to change or modify the course with regard to the items set forth in subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the course without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the course.

Sec. 21. NAC 388.830 is hereby amended to read as follows:

388.830 1. The Department shall engage in the process of reviewing applications for programs of distance education not less than once per year. An application must be received by the Department from the board of trustees of a school district or a governing body of a charter school on or before January 15 for consideration of a program that will begin operation in the

immediately succeeding school year. An application must be received by the Department from a committee to form a new charter school on or before September 1 for a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application. An application must include:

(a) The name of the school district or charter school submitting the application;

(b) The date on which the board of trustees of the school district, the governing body of the charter school or the committee to form a charter school, as applicable, reviewed and approved the application;

(c) The original signature of the president of the board of trustees, or his or her designee, a member of the governing body of the charter school or a member of the committee to form a charter school, as applicable, indicating approval of the application;

(d) The name, address and telephone number of the person who will administer the program of distance education;

(e) A list designating each course of distance education that will be offered through the program;

(f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of each course, including, without limitation, the title of the course and the name of the provider of the course of distance education;

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

(h) A description of the manner by which the school district or charter school will document the attendance and participation of each pupil who is enrolled in a course offered through the program, consistent with the provisions of NAC 387.193 and 387.294;

(i) A description of the criteria that will be used to enroll pupils in the program, including, without limitation, the manner by which the eligibility of each pupil for enrollment will be determined and documented in compliance with NRS 388.850;

(j) A description of the plan for assessing the academic achievement of pupils who are enrolled in the program, which must include, without limitation, the administration of the examinations required by NRS 390.105 ; ~~and 390.700;~~

(k) A description of the manner by which the school district or charter school will document the completion of a course by a pupil enrolled in the program and award credit to each pupil who completes a course; and

(l) A description of the manner by which the school district or charter school will monitor the progress of each pupil enrolled in the program, including, without limitation:

(1) A method for identifying pupils who are experiencing difficulty with completing assignments or who are otherwise not demonstrating satisfactory progress; and

(2) The assistance or support that will be provided to pupils identified pursuant to subparagraph (1) in addition to any assistance or support offered by the provider of the course of distance education.

3. If a school district or charter school submits an application pursuant to this section to provide a program of distance education and the application is approved, the school district or charter school is not required to submit a separate application pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department. If the application is denied by the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application upon appeal.

5. Except as otherwise provided in ~~§~~ subsection 6 and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for ~~3~~ 5 years after the date of approval ~~§~~ *or until the school district revises the procedures or program, whichever is earlier.*

6. The Department shall prescribe the form for the renewal of an application. To continue providing a program of distance education, the provider of the program must submit an application for renewal to the Department at least 60 days before the expiration of the approval. If the Department approves a program of distance education submitted by a committee to form a new charter school and the committee's application to form a charter school is denied by the Department, the board of trustees of a school district or the State Public Charter School Authority, as applicable, the approval of the program of distance education is automatically revoked and the procedure for revocation set forth in NAC 388.860 does not apply.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or

modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A school district or charter school shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Sec. 22. NAC 389.034 is hereby amended to read as follows:

389.034 “Semester” means one of ~~the~~ two ~~academic terms~~ *instructional periods* that make up the school year at a school ~~that offers a traditional 9-month school schedule.~~, *as described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.*

Sec. 23. NAC 389.036 is hereby amended to read as follows:

389.036 “Trimester” means one of ~~the~~ three ~~academic terms~~ *instructional periods* that make up the school year at a school ~~that offers a 12-month school program or a school program involving alternative scheduling whose regular academic year consists of three terms.~~, *as described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.*

Sec. 24. NAC 389.040 is hereby amended to read as follows:

389.040 “Unit of credit” means an amount of credit which is awarded to a pupil for successful completion of a course containing ~~at~~ :

1. *At* least 120 hours of instruction ~~for the~~ ;
2. *The* equivalent ~~of~~ *amount of instruction in a course provided through a program of special education for which an exception to the minimum daily period required by subsection 1 is permitted by the pupil’s individualized education program; or*

3. The equivalent amount of instruction in a course provided through a program for which the Superintendent of Public Instruction has approved an exception to the minimum daily period pursuant to subsection 3 of NAC 387.131.

Sec. 25. NAC 389.659 is hereby amended to read as follows:

389.659 1. If a pupil enrolls in the 9th grade:

(a) Except as otherwise provided in subsection ~~2~~ 3, the pupil must:

(1) Earn a minimum of 5 units of credit or complete 2 semesters of high school to be promoted to the 10th grade.

(2) Earn a minimum of 11 units of credit or complete 4 semesters of high school to be promoted to the 11th grade.

(3) Earn a minimum of 17 units of credit or complete 6 semesters of high school to be promoted to the 12th grade.

(b) A school district shall evaluate the transcripts of the pupil if the pupil transferred to a high school within the school district from another high school located outside the school district, whether located inside or outside this State, to determine the grade level for which the pupil qualifies pursuant to paragraph (a).

2. The requirements set forth in paragraph (a) of subsection 1 apply to all pupils, including, without limitation, those enrolled in approved programs of competency-based education or distance education or in an innovation school.

3. The superintendent of a local school district may waive the requirement set forth in:

(a) Subparagraph (1) of paragraph (a) of subsection 1 if:

(1) The local school district is a school district in which the 9th grade is taught in a junior high or middle school; and

(2) The superintendent determines that extenuating circumstances exist; and

(b) Subparagraph (3) of paragraph (a) of subsection 1 if the superintendent determines that extenuating circumstances exist.

Sec. 26. NAC 389.668 is hereby amended to read as follows:

389.668 **1.** A high school which provides instruction in fractional time units may grant credit proportionately to the requirements for basic units of credits, but the school may not record less than one-fourth of a unit.

2. *An innovation school or a school providing a program of competency-based education may use fractional time units to grant credit based on the demonstrated proficiency of the pupil in a course of study. Such a school may not use a fractional time unit that measures less than one-fourth of a unit.*

Sec. 27. NAC 389.840 is hereby amended to read as follows:

389.840 The successful completion by a pupil of the standards for college readiness set forth in NAC 389.835 is a strong indication:

1. That the pupil is ready to participate successfully as a freshman who is enrolled in a postsecondary educational institution as a full-time student.

2. That the pupil has:

(a) Attained high academic achievement in the subject areas required for an advanced diploma pursuant to NAC 390.430;

(b) Cognitive skills, including, without limitation, logical reasoning skills and linguistic expression skills, that are developed through achievement in the subject areas required for an advanced diploma pursuant to NAC 390.430;

(c) Ancillary academic skills relating to study habits and self-direction;

(d) An awareness of the expectations for behavior in an academic environment; ~~and~~

(e) Adequate test scores based upon the benchmark test scores established by the Board of Regents of the University of Nevada that should enable a pupil to avoid being placed in remedial classes as a postsecondary student ~~+~~; *and*

(f) Demonstrated competencies which align with the Nevada Portrait of a Learner.

3. As used in this section, “Nevada Portrait of a Learner” means the framework published by the Department on its Internet website at the address

<https://doe.nv.gov/offices/office-of-teaching-and-learning/future-of-learning-network>.

Sec. 28. NAC 390.051 is hereby amended to read as follows:

390.051 “Semester” means one of ~~the~~ two ~~academic terms~~ *instructional periods* that make up the school year at a school ~~that offers a traditional 9-month school schedule.~~, *as described in the school calendar of the school that is submitted to the Department pursuant to NAC 387.120.*

Sec. 29. NAC 387.015 and 387.293 are hereby repealed.

TEXT OF REPEALED SECTIONS

387.015 “Average daily attendance” defined. (NRS 385.080) “Average daily attendance” means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period.

387.293 Pupil instructed through correspondence by licensed teacher. (NRS 385.080, 387.123)

1. A pupil who participates in a program of instruction through correspondence under the supervision of a licensed teacher employed by the school district and who does not attend classes on a regular basis at a school because of extreme distance from the school shall be deemed to be enrolled if arrangements are made for the teacher to communicate directly with the pupil, including, without limitation, by electronic means, at least once each week for instructional purposes.

2. For reporting attendance, the school district may consider the pupil to be in full attendance if the teacher and the pupil meet or otherwise communicate with each other at least once each week for instructional purposes.

Joe Lombardo
Governor

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Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of LCB File R104-25 by the Nevada Department of Education

The Nevada Department of Education will hold a public hearing at **3:09 PM on Wednesday, April 22, 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 391.

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 for educator performance improvement plans; this regulation seeks to clarify these plans pursuant to requirements in SB460.
- 2. Description of the proposed regulation or the subjects and issues involved:** This regulation defines a performance improvement plan and related terms, along with the process and purpose of creating and implementing such plans.
- 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 teachers 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.

**REVISED PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R104-25

February 17, 2026

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

AUTHORITY: §§ 1, 4, 6-11 and 13, sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438, respectively; §§ 2 and 5, section 38.3 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3435; § 3, section 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3438; § 12, NRS 391.730, as amended by section 52.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3457, NRS 391.750 and 391.820 and sections 38.3, 38.4, 38.7 and 38.8 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435, 3436, 3438 and 3439, respectively.

A REGULATION relating to educational personnel; establishing a framework for the establishment of a performance improvement plan for a postprobationary administrator or postprobationary teacher who receives certain overall performance evaluation ratings; establishing requirements relating to the content of performance improvement plans; establishing requirements relating to programs of professional development training for a postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established; requiring a postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established to receive certain coaching or mentorship support; establishing provisions relating to the review and assessment of the progress of a postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established; adopting provisions relating to the courses of action that may be taken against a postprobationary administrator or postprobationary teacher who fails to satisfactorily achieve the goals established in a performance improvement plan; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law and regulations establish a statewide performance evaluation system for evaluating the performance of certain educational personnel. (NRS 391.465, 391.675-391.730; NAC 391.565-391.589) Existing law requires an employee who is evaluated pursuant to the statewide performance evaluation system to receive, based on his or her performance, one of the following performance evaluation ratings: (1) highly effective; (2) effective; (3) developing; or (4) ineffective. (NRS 391.465) Senate Bill No. 460 (S.B. 460) of the 2025 Legislative Session

requires that a performance improvement plan be established for any postprobationary administrator or postprobationary teacher who receives an evaluation designating his or her performance as “ineffective” or “minimally effective” for 2 consecutive school years. S.B. 460 further requires the Department of Education, in consultation with the Teachers and Leaders Council of Nevada, to adopt regulations establishing a framework for the establishment of such performance improvement plans. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438, respectively) This regulation establishes such a framework.

Section 2 of this regulation defines “administrator” for the purpose of the establishment of performance improvement plans as a person who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether such a person is licensed as a teacher or administrator, including, without limitation, a principal and vice principal.

Section 6 of this regulation clarifies that the term “minimally effective,” when used in S.B. 460 to describe the overall performance evaluation rating that is assigned to a postprobationary administrator or postprobationary teacher, has the same meaning as the term “developing” under the statewide performance evaluation system. (NRS 391.465; NAC 391.568)

Section 7 of this regulation requires the board of trustees of a school district or the governing body of a charter school to place a postprobationary administrator or postprobationary teacher who receives an overall performance evaluation rating as “ineffective” or “developing” for 2 consecutive school years on a performance improvement plan. **Section 7** further requires the performance improvement plan to: (1) be established, to the extent practicable, collaboratively between the postprobationary administrator or postprobationary teacher and the immediate supervising administrator of the postprobationary administrator or postprobationary teacher; (2) be established within a certain timeframe after the overall performance evaluation rating requiring the establishment of the plan; (3) contain certain content and components, including a targeted date for meeting the benchmarks and achieving the goals established by the plan; and (4) be administered in accordance with the requirements of this regulation and the applicable provisions of S.B. 460. **Section 13** of this regulation requires: (1) the board of trustees of each school district and governing body of each charter school to establish policies and procedures to ensure the school district or charter school complies with the provisions of existing law and regulations governing performance improvement plans; and (2) the Department to monitor such compliance.

S.B. 460 requires that a performance improvement plan contain clear and measurable goals for the improvement of the postprobationary administrator or postprobationary teacher in certain areas. S.B. 460 further requires that such goals: (1) directly address the areas of underperformance identified by the performance evaluations of the postprobationary administrator or postprobationary teacher; and (2) be aligned with educational standards in this State. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438, respectively) **Section 7** requires that a performance improvement plan identify each area of underperformance, including each standard, indicator and goal for educational growth for which the postprobationary administrator or postprobationary teacher received a rating of developing or ineffective. **Section 8** of this regulation requires the goals established in a performance improvement plan to: (1) directly address the areas of underperformance identified pursuant to **section 7**; and (2) meet certain additional requirements.

S.B. 460 requires each postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established to participate in programs of professional development training to address the areas of underperformance. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438, respectively) **Section 7** requires that such programs for professional development training be included as a component of the performance improvement plan. **Section 9** of this regulation establishes the requirements for the provision of professional development training to postprobationary administrators or postprobationary teachers under a performance improvement plan.

S.B. 460 requires that the board of trustees of each school district and governing body of a charter school ensure that an experienced mentor or leadership coach is assigned to each postprobationary administrator or postprobationary teacher, as applicable, for whom a performance improvement plan is established. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438, respectively) **Section 7** requires each performance improvement plan to contain a component of coaching or mentorship support. **Section 10** of this regulation requires that such a component: (1) include the assignment of a leadership coach or mentor, or both, to the postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established; and (2) require that a leadership coach or mentor provide certain support to the postprobationary administrator or postprobationary teacher.

S.B. 460 requires that, at least once each school quarter, certain supervisors of a postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established review and assess the progress of the postprobationary administrator or postprobationary teacher towards achieving the goals established in the performance improvement plan. (Sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438, respectively) **Sections 3 and 5** of this regulation define the supervisors who are responsible for conducting this review and assessment. **Section 11** of this regulation requires that such a review and assessment occur at least once each school quarter or once every 45 school days, whichever is less. **Section 11** also requires a supervisor conducting such a review and assessment to determine whether the postprobationary administrator or postprobationary teacher requires additional support to achieve the goals established in the performance improvement plan and, if such support is needed, identify and document in the plan the support to be provided.

Section 12 of this regulation provides that a postprobationary administrator or postprobationary teacher for whom a performance improvement plan is established is deemed to have successfully completed the plan if the postprobationary administrator or postprobationary teacher receives a performance evaluation rating of effective or highly effective for each standard, indicator and goal for educational growth identified in the plan as an area of underperformance. **Section 12** additionally provides that if a postprobationary administrator or postprobationary teacher has not successfully completed a performance improvement plan before the end of the period for which the plan is established, the applicable supervisor is required to conduct a final review of the progress of the postprobationary administrator or postprobationary teacher towards achieving the goals established in the plan. **Section 12** requires the applicable supervisor to determine or recommend a course of action with respect to the postprobationary administrator or postprobationary teacher, which may include, as applicable and with certain exceptions: (1) extending the performance improvement plan for a period of not more than 1 school year; (2) reassignment to another position; (3) placement on probation; (4) extending any

current period of probation; (5) not reemploying an administrator or teacher who is on probation; or (6) commencement of dismissal proceedings.

Section 1. Chapter 391 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *“Administrator” means a person who provides primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether such a person is licensed as a teacher or administrator, including, without limitation, a principal and vice principal.*

Sec. 3. *“Leadership team” has the meaning ascribed to it in section 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3438.*

Sec. 4. *“Performance improvement plan” means a performance improvement plan that is established in accordance with the provisions of sections 2 to 13, inclusive, of this regulation for a postprobationary administrator pursuant to section 38.3 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3435, or a postprobationary teacher pursuant to section 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3438.*

Sec. 5. *“Reviewing supervisor” means, with respect to a postprobationary administrator for whom a performance improvement plan is established:*

1. The principal of the school at which the postprobationary administrator is employed;
or

2. If the postprobationary administrator for whom a performance improvement plan is established is the principal of a school, the superintendent of schools of the school district of the school at which the principal is employed, or the designee of that superintendent of schools, or the executive director of the charter school at which the principal is employed, or the designee of the executive director of that charter school.

Sec. 6. For the purposes of sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438, a postprobationary administrator or postprobationary teacher receives an evaluation designating his or her overall performance as “minimally effective” if the postprobationary administrator or postprobationary teacher is assigned an overall performance evaluation rating of developing.

Sec. 7. 1. The board of trustees of a school district or the governing body of a charter school shall require a postprobationary administrator or postprobationary teacher who receives an overall performance evaluation rating of ineffective or developing for 2 consecutive school years to be placed on a performance improvement plan.

2. A performance improvement plan established pursuant to subsection 1 must:

(a) Be established collaboratively, to the extent practicable, between the postprobationary administrator or postprobationary teacher, as applicable, and his or her immediate supervising administrator.

(b) Be established not later than the earlier of:

(1) Thirty days after the date on which the postprobationary administrator or postprobationary teacher, as applicable, received the overall performance evaluation rating requiring the establishment of the performance improvement plan; or

(2) The last day of the contract year during which the postprobationary administrator or postprobationary teacher received the overall performance evaluation rating requiring the establishment of the performance improvement plan.

(c) Identify each specific area of underperformance of the postprobationary administrator or postprobationary teacher, as applicable, based on the two most recent performance

evaluations of the postprobationary administrator or postprobationary teacher, as applicable, which must include, without limitation:

(1) Each standard and indicator and any goal for educational growth for which the postprobationary administrator or postprobationary teacher received a performance evaluation rating of developing or ineffective; and

(2) Evidence to support the identification of the areas of underperformance of the postprobationary administrator or postprobationary teacher, as applicable, including, without limitation, observations of the performance of the postprobationary administrator or postprobationary teacher, as applicable, data relating to the learning and achievement of pupils and any other evidence applicable to the performance of the postprobationary administrator or postprobationary teacher, as applicable, including any artifacts collected as part of the evaluation of the postprobationary administrator or postprobationary teacher, as applicable.

(d) Establish:

(1) Goals for the improvement of the performance of the postprobationary administrator or postprobationary teacher, as applicable, that satisfy the requirements of section 8 of this regulation;

(2) Benchmarks to be used to evaluate the progress of the postprobationary administrator or postprobationary teacher, as applicable, towards achieving the goals established pursuant to subparagraph (1); and

(3) A target date for the postprobationary administrator or postprobationary teacher, as applicable, to meet the benchmarks established pursuant to subparagraph (2) and achieve the goals established pursuant to subparagraph (1).

(e) Include, without limitation:

(1) A component of participation in programs of professional development training that satisfies the requirements of section 9 of this regulation;

(2) A component of coaching or mentorship support that satisfies the requirements of section 10 of this regulation; and

(3) Such other provisions as may be necessary to provide adequate support to the postprobationary administrator or postprobationary teacher, as applicable, based on the individualized needs and attributes of the postprobationary administrator or postprobationary teacher, as applicable.

3. The board of trustees of a school district or the governing body of a charter school shall ensure that a performance improvement plan established pursuant to subsection 1 is administered in a manner that is consistent with the requirements of sections 2 to 13, inclusive, of this regulation, and sections 38.3 and 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at pages 3435 and 3438.

Sec. 8. *The goals for the improvement of the performance of a postprobationary administrator or postprobationary teacher that are established in a performance improvement plan pursuant to subparagraph (1) of paragraph (d) of subsection 2 of section 7 of this regulation must:*

1. Align with the statewide performance evaluation system established pursuant to NRS 391.465 and the standards of academic content and performance prescribed by the State Board; and

2. Include, without limitation, goals in any of the following areas as necessary to directly address the areas of underperformance of the postprobationary administrator or

postprobationary teacher, as applicable, identified in the performance improvement plan pursuant to paragraph (c) of subsection 2 of section 7 of this regulation:

(a) Instructional practices, which may include, without limitation, goals relating to:

- (1) The design of effective lesson plans;*
- (2) The delivery of differentiated instruction; and*
- (3) The effective use of instructional time;*

(b) Pupil engagement, which may include, without limitation, goals relating to:

- (1) Effective strategies for active learning;*
- (2) Fostering productive collaboration and dialogue between and among pupils; and*
- (3) Encouraging pupils, in a culturally responsive manner, to actively participate in the classroom and more effectively engage with instruction; and*

(c) Academic outcomes, which may include, without limitation, goals relating to:

(1) Improving progress toward achieving goals for educational growth, as evidenced by the performance of pupils on the examinations used to measure the achievement of goals for educational growth pursuant to NRS 391.480, as amended by section 50 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3455;

- (2) Effectively integrating assessments into instruction; and*
- (3) The mastery of applicable course standards and content.*

Sec. 9. *The component of a performance improvement plan requiring a postprobationary administrator or postprobationary teacher to participate in programs of professional development training, which is required to be included in a performance improvement plan pursuant to subparagraph (1) of paragraph (e) of subsection 2 of section 7 of this regulation, must:*

1. Be developed jointly between the postprobationary administrator or postprobationary teacher, as applicable, and the immediate supervising administrator of the postprobationary administrator or postprobationary teacher.

2. Be signed by both the postprobationary administrator or postprobationary teacher, as applicable, and the immediate supervising administrator.

3. Include training to directly address the areas of underperformance of the postprobationary administrator or postprobationary teacher, as applicable, identified in the performance improvement plan pursuant to paragraph (c) of subsection 2 of section 7 of this regulation, which may include, without limitation, training in the areas of:

(a) Instructional strategies for improving pupil engagement, which may include, without limitation, training in:

(1) Methods for improving the learning outcomes of pupils using techniques which involve pupil collaboration, cooperation and dialogue;

(2) Culturally responsive methods of teaching and creating a welcoming and inclusive classroom environment; and

(3) Incorporating real-world or work-based learning applications into lesson plans and instruction.

(b) Data-driven instruction and the use of formative assessments to track pupil progress, which may include, without limitation, training in:

(1) The effective use of exit tickets, which are defined as brief activities completed by a pupil at the end of a class period or lesson to assess the learning of the pupil and obtain feedback about the experience of the pupil during the class period or lesson, and other common types of informal formative assessments;

(2) Critically understanding and analyzing data relating to the performance of pupils, including, without limitation, data relating to the examinations used to measure the achievement of goals for educational growth pursuant to NRS 391.480, as amended by section 50 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3455; and

(3) Developing lesson plans and instructional strategies based on trends and developments relating to the understanding and performance of pupils.

(c) Classroom management techniques and promoting a safe and respectful learning environment, which may include, without limitation, training in:

(1) Restorative practices;

(2) Positive behavioral interventions and supports; and

(3) Structured routines.

4. Require each program or course of professional development training required to be completed by the postprobationary administrator or postprobationary teacher, as applicable, during the course of the performance improvement plan to be approved by the immediate supervising administrator of the postprobationary administrator or postprobationary teacher, as applicable.

5. Specify whether the postprobationary administrator or postprobationary teacher, as applicable, is required to attend some or all of the required programs or courses for professional development training in person or, if the postprobationary administrator or postprobationary teacher, as applicable, is authorized to attend any of the programs or courses of professional development training by virtual or electronic means, whether the programs or courses delivered through such means are required to be delivered synchronously.

6. Provide for the postprobationary administrator or postprobationary teacher, as applicable, to receive compensation or release time or other leave to compensate for any time during which the postprobationary administrator or postprobationary teacher, as applicable, is required to attend a program or course of professional development training outside of the regular working hours specified in his or her contract.

7. Indicate whether the local educational agency for which the postprobationary administrator or postprobationary teacher, as applicable, is employed will pay or reimburse any costs associated with attending a program or course of professional development training.

Sec. 10. 1. *The coaching and mentorship component of a performance improvement plan, which is required to be included in the performance improvement plan pursuant to subparagraph (2) of paragraph (e) of subsection 2 of section 7 of this regulation must include, without limitation, all of the following:*

(a) The assignment of a leadership coach or mentor, or both, to the postprobationary administrator or postprobationary teacher, as deemed appropriate by the local educational agency for which the postprobationary administrator or postprobationary teacher is employed, based on the goals established in the performance improvement plan pursuant to subparagraph (1) of paragraph (d) of subsection 2 of section 7 of this regulation and the specific needs of the postprobationary administrator or postprobationary teacher.

(b) A requirement for any leadership coach assigned under the performance improvement plan to provide short-term support that is based on data and that addresses the goals established in the performance improvement plan for the improvement of instructional practice or leadership practice. The activities of a leadership coach assigned under a performance improvement plan may additionally include, without limitation:

(1) Assisting in the development of specific action to improve performance;
(2) Modeling effective practices that improve performance;
(3) Conducting observations and providing feedback based on those observations; and
(4) Monitoring the progress of the postprobationary administrator or postprobationary teacher, as applicable, toward meeting the benchmarks and achieving the goals established in the performance improvement plan pursuant to subparagraph (1) of paragraph (d) of subsection 2 of section 7 of this regulation.

(c) A requirement for any mentor assigned under the performance improvement plan to provide sustained, trust-based guidance that focuses on reflection on professional performance, professional growth, the building of confidence in professional abilities, the development of professional habits, the navigation of school culture and engagement in collegial collaboration. The activities of a mentor assigned under a performance improvement plan may additionally include, without limitation:

(1) Conducting meetings with the postprobationary administrator or postprobationary teacher, as applicable, to reflect on performance and practices to improve that performance;

(2) Facilitating a process whereby the mentor and postprobationary administrator or postprobationary teacher, as applicable, exchange, as peers, observations, feedback, knowledge and best practices relating to instructional and professional skills; and

(3) Guiding the postprobationary administrator or postprobationary teacher, as applicable, in assessing performance and developing practices to improve that performance.

(d) In addition to the support activities described in paragraph (b) or (c), as applicable, a requirement that:

(1) Not less than once each month, the postprobationary administrator or postprobationary teacher, as applicable, review progress under the performance improvement plan with the assigned leadership coach or mentor, or both; and

(2) Not less than once each month, the leadership coach or mentor, or both, conduct a session:

(I) Of classroom observation;

(II) To provide feedback to the postprobationary administrator or postprobationary teacher, as applicable; or

(III) To assist the postprobationary administrator or postprobationary teacher, as applicable, in developing and implementing effective instructional strategies.

2. A leadership coach or mentor assigned pursuant to subsection 1 shall document each coaching or mentorship activity conducted pursuant to a performance improvement plan. Such documentation must include, without limitation, all pertinent information observed or feedback given during the activity and such other information that may be helpful or necessary when evaluating the progress of the postprobationary administrator or postprobationary teacher, as applicable, under the performance improvement plan. Upon documenting a coaching or mentorship activity pursuant to this subsection, the leadership coach or mentor shall transmit a copy of such documentation to the immediate supervising administrator of the postprobationary administrator or postprobationary teacher, as applicable, to whom the documentation pertains. The immediate supervising administrator shall include in the personnel file of the postprobationary administrator or postprobationary teacher, as applicable, any documentation received pursuant to this subsection.

Sec. 11. 1. *A review and assessment of the progress of a postprobationary administrator or postprobationary teacher toward achieving the goals established in a performance improvement plan, which is required to be conducted by the reviewing supervisor of the postprobationary administrator pursuant to subsection 6 of section 38.3 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3435, or the leadership team of the postprobationary teacher pursuant to subsection 6 of section 38.7 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3438, as applicable, must occur at least once each quarter of each school year or at least once every 45 school days, whichever is less.*

2. *A reviewing supervisor or leadership team conducting a review and assessment described in subsection 1 shall:*

(a) Document the progress of the postprobationary administrator or postprobationary teacher for whom the review and assessment is being conducted toward meeting each benchmark and achieving each goal established in his or her performance improvement plan pursuant to paragraph (d) of subsection 2 of section 7 of this regulation;

(b) Based on the progress of the postprobationary administrator or postprobationary teacher, as applicable, toward meeting each benchmark and achieving each goal described in paragraph (a), determine whether the postprobationary administrator or postprobationary teacher, as applicable, requires additional support and, if such support is needed:

- (1) Identify the type or character of any such support that will be provided; and*
- (2) Document in the performance improvement plan the additional support that will be provided; and*

(c) Prepare and include in the personnel file of the postprobationary administrator or postprobationary teacher a written summary of the review and assessment, which must be made available to the Department, upon the request of the Department.

Sec. 12. *1. A postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established shall be deemed to have successfully completed the performance improvement plan if the postprobationary administrator or postprobationary teacher, as applicable, has received a performance evaluation rating of effective or highly effective for each standard and indicator and each goal for educational growth identified in the plan as an area of underperformance pursuant to paragraph (c) of subsection 2 of section 7 of this regulation.*

2. If a postprobationary administrator or postprobationary teacher for whom a performance improvement plan has been established has not successfully completed the performance improvement plan pursuant to subsection 1 before the end of the period for which the plan has been established, the reviewing supervisor of the postprobationary administrator or the leadership team of the postprobationary teacher, as applicable, shall:

(a) Conduct with the postprobationary administrator or postprobationary teacher, as applicable, a final review of the progress of the postprobationary administrator or postprobationary teacher toward achieving the goals established in the performance improvement plan pursuant to subparagraph (1) of paragraph (d) of subsection 2 of section 7 of this regulation.

(b) After considering the factors described in subsection 3, determine or recommend to the appropriate authority the course of action that should be taken with respect to the

postprobationary administrator or postprobationary teacher, as applicable. Such action may include, without limitation:

(1) Requiring the continuation of the performance improvement plan for a period not to exceed 1 school year, with any necessary revisions being made to the performance improvement plan.

(2) Except where prohibited by subsection 3 of section 38.4 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3436, or subsection 3 of section 38.8 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3439, reassigning the postprobationary administrator or postprobationary teacher, as applicable, to another position for which the postprobationary administrator or postprobationary teacher is qualified.

(3) To the extent authorized or required by NRS 391.730, as amended by section 52.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3457, section 38.4 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3436, or section 38.8 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3439:

(I) Placing the postprobationary administrator or postprobationary teacher, as applicable, on probation and requiring the postprobationary administrator or postprobationary teacher, as applicable, to serve an additional probationary period; or

(II) In the case of a postprobationary administrator or postprobationary teacher who is currently deemed a probationary employee, extending the additional probationary period imposed pursuant to NRS 391.730, as amended by section 52.5 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3457, section 38.4 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3436, or section 38.8 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3439, as applicable.

(4) In the case of a postprobationary administrator or postprobationary teacher who is deemed to be a probationary employee, providing notice pursuant to NRS 391.820 that the postprobationary administrator or postprobationary teacher, as applicable, will not be reemployed.

(5) Initiating the applicable process for the dismissal of the postprobationary administrator or postprobationary teacher, as applicable, in accordance with the procedures established pursuant to chapter 391 of NRS, the contract of the postprobationary administrator or postprobationary teacher, as applicable, or any applicable collective bargaining agreement.

(6) Taking such actions that are in the best interests of the pupils and school at which the postprobationary administrator or postprobationary teacher, as applicable, is employed and not inconsistent with applicable law, the contract of the postprobationary administrator or postprobationary teacher, as applicable, or any applicable collective bargaining agreement.

3. When determining the course of action that should be taken pursuant to paragraph (b) of subsection 2, the reviewing supervisor or leadership team, as applicable, shall consider the extent to which the postprobationary administrator or postprobationary teacher, as applicable, during the course of the performance improvement plan:

(a) Demonstrated improvement in the areas of underperformance identified in the performance improvement plan pursuant to paragraph (c) of subsection 2 of section 7 of this regulation;

(b) Demonstrated progress toward achieving the goals established in the performance improvement plan pursuant to subparagraph (1) of paragraph (d) of subsection 2 of section 7 of this regulation; and

(c) Effectively engaged with the support provided under the performance improvement plan, including, without limitation, the coaching or mentorship support provided pursuant to section 10 of this regulation.

Sec. 13. *1. The board of trustees of each school district and the governing body of each charter school shall establish such policies and procedures as are necessary to ensure the school district or charter school, as applicable, complies with the provisions of sections 2 to 13, inclusive, of this regulation.*

2. The Department will monitor each school district and each charter school to ensure that the school district or charter school is in compliance with the provisions of sections 2 to 13, inclusive, of this regulation.