

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

LCB File No. R072-23

November 14, 2023

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

AUTHORITY: § 1, NRS 385.080 and 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 submit an annual report to the Department of Education identifying certain social and environmental factors that affect the educational experience of pupils; setting forth certain requirements for such reports; requiring the Department to submit to the State Board of Education a summary of such reports; requiring 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 certain factors and other information when making certain decisions and interacting with certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to adopt regulations that require: (1) 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 district or the charter school, as applicable; and (2) 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 such social and environmental 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)

This regulation requires that, on or before August 1 of each year, the board of trustees of each school district and the governing body of each charter school submit a report to the Department identifying the social and environmental factors that affect the educational experience of pupils at each school in the district or the charter school. This regulation requires the report to include: (1) a description of any of the factors that have been so identified; and (2) copies of or citations to manuscripts, reports and other sources of information used to identify or describe such factors.

This regulation further provides that the social and environmental factors that may affect the educational experience of pupils include, without limitation: (1) the availability of consistent and affordable housing in the area served by each school in the district or the charter school; (2) the availability of consistent and affordable food in the area served by each school in the district or the charter school; (3) poverty and employment in the area served by each school in the

district or the charter school; (4) the availability of affordable transportation in the area served by each school in the district or the charter school; (5) the availability of and access to predictable and affordable health care in the area served by each school in the district or the charter school; (6) crime and violence in the area served by each school in the district or the charter school; (7) the prevalence of trauma in the area served by each school in the district or the charter school; and (8) any unique characteristic or other condition of the area served by each school in the district or the charter school which may affect the educational experience of pupils.

This regulation also provides that the Department shall, at least annually, provide to the board of trustees of each school district and the governing body of each charter school a list of resources relating to the nationally accepted measurements of the social and environmental factors that may affect the educational experience of pupils.

Finally, 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, when making decisions concerning the school or interacting with and making decisions concerning the staff of the school or pupils enrolled at the school, to consider: (1) the social and environmental factors that affect the educational experience of pupils at the school, as identified in the report submitted to the Department; and (2) any condition, factor or other information that mitigates the adverse impact of such social or environmental factors.

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

1. On or before August 1 of each year, the board of trustees of each school district and the governing body of each charter school shall submit a report to the Department identifying the social and environmental factors that affect the educational experience of pupils at each school in the district or the charter school, as applicable. Such a report must include, without limitation:

(a) A description of any of the social and environmental factors that the board of trustees of the school district or the governing body of the charter school identifies as affecting the educational experience of pupils at each school in the district or the charter school, as applicable; and

(b) Copies of or citations to manuscripts, reports and other sources of information used to identify or describe the social and environmental factors set forth in the report, including, without limitation, links to Internet websites from which such information was obtained.

2. The social and environmental factors that may affect the educational experience of pupils include, without limitation:

(a) The availability of consistent and affordable housing in the area served by each school in the district or the charter school, as applicable, including, without limitation:

(1) The average rate of rent in the area served by each school in the district or the charter school;

(2) The percentage of pupils at each school in the school district or the charter school who are homeless, as that term is defined in 42 U.S.C. § 11302;

(3) The transiency rate of pupils for each school in the district or the charter school; and

(4) Any other relevant information relating to homelessness;

(b) The availability of consistent and affordable food in the area served by each school in the district or the charter school, as applicable, including, without limitation:

(1) The number of grocery stores in the area served by each school in the district or the charter school;

(2) The number of food banks and the availability of other emergency services to address food insecurity in the area served by each school in the district or the charter school; and

(3) The percentage of pupils at each school in the district or the charter school who are eligible for free or reduced-price lunches;

(c) Poverty and employment in the area served by each school in the district or the charter school, as applicable, including, without limitation:

(1) The average household income of pupils at each school in the district or the charter school;

(2) The average number of hours worked per week by the parents or guardians of pupils at each school in the district or the charter school;

(3) The average number of hours worked per week by the pupils at each school in the district or the charter school;

(4) Any unique characteristic or other condition of the area served by each school in the district or the charter school, based on the industry sectors that are located in the area served by each school in the district or the charter school; and

(5) Any other measure of poverty in the area served by each school in the district or the charter school;

(d) The availability of affordable transportation in the area served by each school in the district or the charter school, as applicable, including, without limitation:

(1) The availability of public transportation to pupils at each school in the district or the charter school;

(2) The average distance traveled and time spent traveling to and from school by pupils at each school in the district or the charter school; and

(3) The percentage of pupils at each school in the district or the charter school who are transported to and from school by transportation sponsored by the district or the charter school;

(e) The availability and access to predictable and affordable health care in the area served by each school in the district or the charter school, as applicable, including, without limitation:

(1) The per capita number of physical or mental health care providers in the area served by each school in the district or the charter school; and

(2) The percentage of residents of the area served by each school in the district or the charter school who are uninsured, underinsured or insured by Medicaid;

(f) Crime and violence in the area served by each school in the district or the charter school, as applicable, including, without limitation:

(1) The rate of arrests in the area served by each school in the district or the charter school; and

(2) The percentage of residents in the area served by each school in the district or the charter school who are currently or have been previously incarcerated;

(g) The prevalence of trauma in the area served by each school in the district or the charter school, as applicable, including, without limitation:

(1) Measurements of adverse childhood experiences within the area served by each school in the district or the charter school;

(2) Measurements of the behaviors and risks associated with increased rates of trauma; and

(3) Measurements of other outcomes of poor health related to trauma, including, without limitation, physical and mental health; and

(h) Any unique characteristic or other condition of the area served by each school in the district or the charter school, as applicable, which may affect the educational experience of pupils.

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

(a) At least annually, provide to the board of trustees of each school district and the governing body of each charter school a list of resources relating to the nationally accepted measurements of the social and environmental factors that may affect the educational experience of pupils; and

(b) Post the list described in paragraph (a) on the Internet website maintained by the Department.

4. The Department shall submit to the State Board an annual summary of the reports received by the Department pursuant to subsection 1.

5. 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, when making decisions concerning the school or interacting with and making decisions concerning the staff of the school or pupils enrolled at the school, consider:

(a) The social and environmental factors that affect the educational experience of pupils at the school, as identified in the report submitted to the Department pursuant to subsection 1; and

(b) Any condition, factor or other information that mitigates the adverse impact of such social or environmental factors.