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August 7, 2024

Legislative Review of Adopted Regulations as Required by NRS 233B.066
LCB File #R90-23

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

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

This regulation is needed because current regulation does not allow social workers, counselors, and mental health workers to obtain a program administrative license.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov.

The number of persons who (a) attended each workshop, (b) testified at each workshop, (c) submitted to the agency written comments:

Workshop held on November 15, 2023

- Number in attendance: 3
- Number testifying: 0
- Written statements submitted: 0

Hearing held on February 21, 2024

- Number in attendance: 9
- Number testifying: 0
- Written statements submitted: 0

State Board of Education meeting held on May 1, 2024 (consent agenda item) to approve the Commissions adopted regulation per NRS 391.027.

- Number in attendance: 9
- Number testifying: 0
- Written statements submitted: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing: (a) name; (b) telephone number; (c) business address; (d) business telephone number; (e) electronic mail address; and (f) name of entity or organization represented.**
5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.** Public comment was solicited through both the regulation workshop and public hearing. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agenda and notice was posted 30 days prior to the public hearing. A description of how members of the public could provide comment is included in both items.

A copy of the summary may be obtained from the NDE by contacting Alicia Briancon at 775-443-5519 or alicia.briancon@doe.nv.gov.

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

The regulation was adopted without any changes on 2/21/24 because the agency and Commission engage stakeholders in workshops to draft agreed upon language prior to the Hearing.

7. **The estimated economic effect of the adopted regulation on the business which is to regulate and on the public. These must be stated separately and each case must include:**
There will be no economic effect of the regulation on the business that it regulates. There is no estimated economic effect on the public.

8. **The estimated cost to the agency for enforcement of the adopted regulation.**
There is no additional cost to the agency for enforcement of this regulation.

9. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
No other state or governmental agency regulations will be overlapped or duplicated by the above noted regulation. There is no duplication or overlap of federal regulations.

10. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
There are none.

11. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
This regulation does not provide for a new fee or increase an existing fee.

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
MAY 01, 2024
2:00 PM**

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

PUBLIC NOTICE

The public is hereby noticed that the Nevada State Board of Education reserves the right to take agenda items out of posted order (except that public hearings will not begin earlier than posted times); items may be pulled or removed from the agenda at any time; and items may be combined for consideration. A time for public comment is provided at the beginning and at the conclusion of the meeting. A time limit of three minutes will be imposed by the Board president for public comments to afford all members of the public who wish to comment an opportunity to do so within the timeframe available to the Board. All individuals providing in-person testimony must fill out a visitor card. To provide public comment or testimony telephonically, dial (312) 584-2401 on the date of the meeting. When prompted, provide Meeting ID 324 939 7, and then press #. When prompted for a Participant ID, press # If you are unable to attend but would like to provide a written statement for public comment, please submit your statement to NVBoardEd@doe.nv.gov before the close of the Board Meeting. The Board president reserves the right to call on individuals from the audience or to allow for testimony at any time.

The support materials to this agenda are available at no charge on the NDE website at [Nevada State Board of Education Meeting Material Webpage](#) (under the meeting date referenced above) or by contacting Angie Castellanos at the Nevada Department of Education, 2080 E. Flamingo Road, #210, Las Vegas, NV 89119, via phone at 702-486-8725, or by email at NVBoardEd@doe.nv.gov. This public notice has been posted at the offices of the Department of Education (NDE) in Carson City and Las Vegas, online at the Nevada Public Notice website, notice.nv.gov, the Nevada Department of Education website, doe.nv.gov, and sent to all interested persons who requested notice. Reasonable efforts will be made for members of the public who have disabilities and require special accommodations or assistance at the meeting; please contact Angie Castellanos at 702-486-8725 or NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can be made.

AGENDA

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND LAND ACKNOWLEDGEMENT

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 President of the State Board of Education will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the State Board’s jurisdiction, control, or advisory power.

3. APPROVAL OF FLEXIBLE AGENDA (For Possible Action)

4. PRESIDENT’S REPORT

- Board Member Updates
- Purple Star Schools
- Nevada System of Higher Education (NSHE) Updates

5. SUPERINTENDENT’S REPORT

- Milken Educator Award
- Nevada Department of Education Updates

6. CONSENT AGENDA (For Possible Action)

Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, all items are approved in one action.

- Possible Approval of Washoe County School District Academic Credit for Military Science III Application
- Possible Approval of Commission on Professional Standards in Education R088-23
- Possible Approval of Commission on Professional Standards in Education R065-23
- Possible Approval of Commission on Professional Standards in Education R090-23
- Possible Approval of Commission on Professional Standards in Education R087-23
- Possible Approval of Commission on Professional Standards in Education R063-23
- Possible Approval of Minutes from March 9, 2024, State Board of Education Meeting
- Possible Approval of Minutes from March 27, 2024, State Board of Education Meeting

7. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE HIGH SCHOOL START TIME (Information, Discussion, and Possible Action)

The Board will receive a presentation regarding the high school start time survey and implementation.

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

8. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING NAC 388.430 AGE REQUIREMENTS (Information, Discussion, and Possible Action)

The Board will reevaluate the age requirements that apply to the Developmental Delay categorical eligibility under the Individuals with Disabilities Education Act IDEA.

- Julie Bowers, Education Programs Director, Nevada Department of Education

9. INFORMATION AND DISCUSSION REGARDING ARTIFICIAL INTELLIGENCE IN SCHOOLS (Information and Discussion)

The Board will hear a presentation from the Deputy Superintendent for Student Achievement regarding the ethics statement and guidance around the use of artificial intelligence for educational purposes.

- Ann Marie Dickson, Deputy Superintendent for Student Achievement, Nevada Department of Education

10. 4:00 P.M. PUBLIC HEARING TO SOLICIT COMMENTS ON PROPOSED REGULATION R065-24 AMENDING NAC 390.135 RELATING TO THE PRESCRIBED ASSESSMENTS, MINIMUM PASSING SCORES, AND HIGH SCHOOL EQUIVALENCY (Information, Discussion, and Possible Action)

The Board will consider the proposed regulation removal of language prescribed minimum passing scores for high school equivalency assessments.

- Nancy Olsen, Assistant Director, Office of Career Readiness, Adult Learning, and Education Options

11. 4:02 P.M. PUBLIC HEARING TO SOLICIT COMMENTS ON PROPOSED REGULATION R064-24 AMENDING NAC 389.555 RELATING TO EMPLOYABILITY SKILLS FOR CAREER READINESS (*Information, Discussion, and Possible Action*)

The Board will consider the proposed regulation removal of all language from NAC 389.555.

- Anna Reynolds, Assistant Director, Office of Career Readiness, Adult Learning, and Education Options

12. FUTURE AGENDA ITEMS (*Information and Discussion*)

- Presentation from NSHE, dual credit programs
- Application for Public Charter School Authority, Student Member (*Recurring Agenda Items*)
 - Social-Emotional Learning/School Climate Survey
 - Teach Nevada and Nevada Teacher Advancement Scholarship Awards
 - Teacher and Leaders Council Recommendations

13. PUBLIC COMMENT #2

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

14. ADJOURNMENT

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February 21, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Commission on Professional Standards in Education as proposed in LCB File #R090-23

The Commission on Professional Standards in Education will hold a public hearing at **9:04 A.M.** on **Wednesday, February 21, 2024** via [livestream](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to Chapters 391 of the Nevada Administrative Code (NAC) pursuant to the Nevada Revised Statute (NRS) 391.019.

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

- 1. The need and the purpose of the proposed regulations and/or amendments:** In accordance with NRS 391.019, the Commission on Professional Standards in Education shall adopt regulations:
 - *Prescribing the qualifications and process for licensing teachers and other educational personnel.*
- 2. Description of the proposed regulation, or the subjects and issues involved:** The proposed regulation is relating to educational personnel; revising provisions relating to an administrative endorsement as a professional administrator of a program; and providing other matters properly thereto. This regulation will update the administrative endorsement for Professional administrator of a program adding social workers, counselors, and mental health workers.

The revised text of the proposed regulation is attached to this notice.
- 3. Estimated economic effect of the regulation on the business which it is to regulate and on the public:** There is no economic effect of the regulation on the business that it regulates and no impact on the public.
- 4. Methods used by the agency in determining the impact on a small business:** Small business are not impacted by this regulation.
- 5. The estimated cost to the agency for enforcement of the proposed regulation:** No costs.
- 6. Description and citation of duplicative or overlapping regulations of other state or local governmental agencies:** There is no duplication or overlap of regulations of state or local government

agencies.

7. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
8. **Does the regulation include provisions more stringent than a federal regulation regarding the same activity?** There is no federal law affecting or overlapping the proposed regulations.
9. **Does the proposed regulation establish a new fee or increase an existing fee?** The proposed regulations do not establish a new fee nor increase an existing fee of the regulating agency.

A copy of all materials relating to the proposed regulation may be obtained at the hearing, on the [Nevada Department of Education webpage](#), by contacting the Commission on Professional Standards in Education, Nevada Department of Education, via email at COPS@doe.nv.gov, by telephone at (702) 668-4308 or in person at the Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Persons wishing to comment upon the proposed action of the Commission on Professional Standards in Education may provide in-person testimony, submit written comment to the Commission on Professional Standards in Education via email at COPS@doe.nv.gov, or submit their comments, data, views, or arguments in written form to the Commission on Professional Standards in Education, Nevada Department of Education, 2080 E. Flamingo Rd. Las Vegas, Nevada. Comments may be submitted via email leading up to and for the duration of the meeting, and those submitted via mail must be received by the Department on or before Tuesday, November 15, 2023. A record of all submitted comments will be retained, and the Commission on Professional Standards will proceed to consider any public comment received.

This notice and the text of the proposed regulation has been sent to all persons on the agencies mailing list for administrative regulations and the Commission on Professional Standards, 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>, available in the State of Nevada Register of Administrative Regulations pursuant to NRS 233B.0653, and physically posted at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

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Notice of Workshop to Solicit Comments on Proposed Regulation

The Commission on Professional Standards in Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Wednesday, November 15, 2023**, via [Livestream Link](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

9:08 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.160 — TYPES OF ENDORSEMENTS ISSUED BY DEPARTMENT; AUTHORIZED EMPLOYMENT.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [Meeting Materials page](#), by contacting the Nevada Department of Education, via email at Geraldine.mendiola@doe.nv.gov, by telephone at 702-668-4317, or in person at the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Persons wishing to comment upon the proposed action of the Department of Education may provide in-person testimony, submit written comment to the Department via email at COPS@doe.nv.gov or submit their comments, data, views, or arguments in written form to the **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada**. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before **Tuesday, November 14, 2023**.

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