

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



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STATE OF NEVADA
DEPARTMENT OF EDUCATION
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August 5, 2024

Legislative Review of Adopted Regulations as Required by NRS 233B.066
LCB File #R071-24

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.

Senate Bill 80 (2023) requires a policy concerning the treatment of head injuries that affects the ability of a pupil to engage in his or her coursework at school.

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 hearings. The attached workshop agenda and notice was posted 15 days prior to the workshop. The attached public hearing agendas 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.

There was no public comment at either the workshop or the public hearing.

3. The number of persons who:

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

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

There was no public comment at either the workshop or the public hearing.

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.

There was no public comment at either the workshop or the public hearing.

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

The Nevada Department of Education adopted the proposed regulation language at the public hearing held on May 3, 2024. No changes were requested, so it was adopted without change. The Superintendent of Public Instruction adopted the proposed regulation language at the public hearing held on July 10, 2024.

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
WORKSHOP/HEARING
May 3, 2024
11:00 AM**

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

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department 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, and public comment will be taken under each workshop 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 NVBoardEd@doe.nv.gov before the close of the Workshop. 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 call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can 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 Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@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. 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. 11:05 A.M. PUBLIC HEARING TO SOLICIT COMMENTS ON PROPOSED REGULATION R AMENDING R059-24 RELATING TO REPORT ON THE NUMBER OF DROPOUTS
(Information/Discussion/Possible Action)**

The Department will consider the proposed regulation removing the language pertaining to duplicative existing state and federal reporting requirements for dropouts.

- Peter Zutz, Director, Administrator, Office of Assessment, Data and Accountability Management

4. 11:08 A.M. PUBLIC HEARING TO SOLICIT COMMENTS ON PROPOSED REGULATION AMENDING R071-24 RELATING TO RETURNING TO LEARN *(Information/Discussion/Possible Action)*

The Department will consider the proposed regulation revising the language addressing returning to learn after sustaining a head injury.

- Breana Taylor, Education Programs Professional, Office of Safe and Respectful Learning Environment

5. 11:11 A.M. PUBLIC HEARING TO SOLICIT COMMENTS ON PROPOSED REGULATION R055-23 AMENDING RELATING TO CHARTER SCHOOLS *(Information/Discussion/Possible Action)*

The Department will consider the proposed regulation revising the language pertaining to availability of agendas from public meetings concerning charter schools.

- Lisa Ford, Chief Strategy Officer, Office of the Superintendent of Public Instruction

6. 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.

7. ADJOURNMENT

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May 3, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Board of Education as proposed in LCB File #R071-24.

The DEPARTMENT OF EDUCATION will hold a public hearing **at 11:00 AM** on Friday, May 3rd, 2024 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 hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 385.XXX and of the Nevada Administrative Code (NAC), pursuant to NRS 392.452 and NRS 385B.080.

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

1. The need for and the purpose of the proposed regulation or amendment:

- To ensure that students are safe when returning to school after sustaining a head injury.

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The revised text of the proposed regulation is attached to this notice.

3. Description of the proposed regulation, or the subjects and issues involved: The proposed regulation would revise requirements governing the application for authorization to sponsor a charter school to apply to an applicant that is a city or county.

4. 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.

5. Method used by the agency in determining the impact on a small business: Small business is not impacted by this regulation.

6. Estimated cost to the agency for enforcement of the proposed regulation: no costs.

7. **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 governmental agencies.
8. **Is the regulation required by federal law?** This regulation is not required pursuant to federal law.
9. **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 regulation.
10. **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 [Event - March 29, 2024 Nevada Department of Education Regulation Hearing | Nevada Department of Education \(nv.gov\)](#) by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, 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 may provide in-person testimony, submit written comment to Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, **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 Friday, April 12th. A record of all submitted comments will be retained, and the Department or Board 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 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>, 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.

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.

NAC Chapter 385.XXX

The Nevada Department of Education will prescribe a policy concerning the treatment of injuries to the head that affect the ability of a pupil to learn and otherwise engage with his or her coursework at school, including, without limitation, a concussion to the brain. The policy will

- Require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer reviewed evidence until the pupil is mentally and physically ready to return to full participation in his or her coursework;*
- Be reviewed every five years and updated, as necessary, to reflect current best practices in the prevention and treatment of injuries to the head.*

NAC Chapter 385.XXX

The Nevada Department of Education will prescribe a policy concerning the treatment of head injuries that affect the ability of a pupil to learn and otherwise engage with their coursework at school, including, without limitation, a concussion to the brain. The policy shall;

- Ensure that each school district, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils, as applicable, will have a policy that prescribes how, when, and under what conditions for pupils, who have sustained or are suspected of having sustained a head injury, shall be permitted and shall be expected to return to learn, regardless of the location where the pupil sustained the injury, or is suspected of sustaining the injury, that includes without limitation the following:*
 - Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will have posted on their maintained Internet website the policy*
 - Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will notify the pupil's parent or legal guardian of the sustained or suspected head injury if the injury occurs during school hours;*
 - The parent or legal guardian of the pupil will be provided with a printed or electronic copy of the policy;*
 - Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will have a system in place to notify the school nurse, or designee, if a student has sustained or is suspected of having sustained a head injury;*
 - The parent or legal guardian of the pupil must notify the school if their pupil has sustained or is suspected of having sustained a head injury if the injury occurred*

outside of school;

- *If a pupil who has sustained or is suspected of having sustained a head injury is experiencing the following symptoms, the school will follow their emergency management protocols to assist the pupil in being evaluated by an emergency healthcare provider as soon as reasonably possible;*
 - *neck pain or tenderness*
 - *seizure or convulsion*
 - *double vision*
 - *loss of consciousness*
 - *weakness or tingling/burning in more than one arm or in the legs*
 - *deteriorating conscious state*
 - *vomiting*
 - *severe or increasing headache*
 - *increasingly restless, agitated, or combative demeanor*
 - *visible deformity of the skull*
 - *other concerning symptoms*
- *Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will publish and disseminate guidance in cases where a pupil has sustained or is suspected of having sustained a head injury while participating in an activity or event while school is in session;*
 - *If the event occurs at school, the pupil must be immediately removed from the activity or event;*
 - *If the pupil returns to school after being sent home after sustaining or suspected of sustaining a head injury, a screening tool will be utilized to evaluate if the student needs further assessment by a licensed healthcare provider.*
 - *Schools may require a healthcare provider to authorize a pupil to return to school.*
- *Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will identify a progression pathway for students to return to learning after sustaining a head injury that may involve accommodations to a pupil's course work. This pathway must be completed prior to the pupil returning to interscholastic activities, physical education class or physical activities. The return to learn pathway is applicable to pupils who sustained a head injury both during school hours and outside of school time. Each public school, charter school, and university school for profoundly gifted pupils, as applicable, will publish and disseminate guidance in cases where a pupil has sustained or is suspected of having sustained a head injury while participating in an interscholastic activity or event, the pupil must*

be immediately removed from the activity or event;

- The pupil may return to the activity or event once if the parent or legal guardian of the pupil provides a signed statement from a healthcare provider, acting within their scope of practice, medically clearing the pupil for participation in the activity or event and attending school per the NIAA protocol.*
- Each employee of a public school, charter school, or university school for profoundly gifted pupils, as applicable, who supports the academics or health of a pupil who has sustained or is suspected of having sustained a head injury shall ~~must~~ annually complete a training on the prevention and treatment of head injuries, which must include a review of the educational information compiled pursuant to subsection 3 of NRS 385B.080. school district, a charter school, or a university school for profoundly gifted pupils, as applicable, shall maintain a record of the training required and will be able to provide such a record upon request.*
- Shall be reviewed every five years and updated, as necessary, to reflect current best practices in the prevention and treatment of head injuries.*

**NEVADA DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
July 10, 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

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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. 2:02 P.M. PUBLIC HEARING FOR REGULATION #R071-24P (For possible action)** *Notice of Intent to Act upon a Regulation for the amendment of regulations pertaining to Chapter 385.XXX of the Nevada Administrative Code (NAC) to adopt regulations pertaining returning to learn after sustaining a head injury*

•Breana Taylor, Educational Programs Professional, Office for a Safe and Respectful Learning Environment

4. 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.

5. ADJOURNMENT

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June 10, 2024

Notice of Intent to Act Upon a Regulation

Notice of Hearing for the Adoption of Regulations of the Nevada State Superintendent of Public Instruction as proposed in LCB File #R071-24.

The SUPERINTENDENT OF PUBLIC INSTRUCTION will hold a public hearing at **2:00 PM** on Wednesday, July 10th, 2024 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 hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to NAC 385.XXX regarding returning to learn after sustaining a head injury.

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

1. The need for and the purpose of the proposed regulation or amendment:

- The Nevada Department of Education collaborated with the Nevada Interscholastic Activities Association to ensure students are healthy through the creation of this regulation to support schools on the management of head injuries.

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

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. Method used by the agency in determining the impact on a small business: Small business is not impacted by this regulation.

5. 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 governmental 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 regulation.
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 [Event -July 10, 2024, Superintendent of Public Instruction Regulation Hearing | Nevada Department of Education \(nv.gov\)](#) by contacting the Nevada Department of Education, via email at NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, 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 may provide in-person testimony, submit written comment to Department via email at NVBoardEd@doe.nv.gov or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, **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, July 9th. A record of all submitted comments will be retained, and the Department or Board 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 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>, 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.

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.

**PROPOSED REGULATION OF THE
SUPERINTENDENT OF PUBLIC INSTRUCTION**

LCB File No. R071-24

May 24, 2024

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

AUTHORITY: §§ 1 and 2, section 6.5 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1362 (NRS 385.215).

A REGULATION relating to public safety; establishing a policy concerning the treatment of injuries to the head that affect the ability of a pupil to learn and otherwise engage with his or her course work; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Superintendent of Public Instruction to adopt regulations prescribing a policy concerning the treatment of injuries to the head that affect the ability of a pupil to engage in his or her course work at school. Existing law requires a public school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer-reviewed evidence. Existing law requires the Superintendent to post the policy on an Internet website maintained by the Department of Education. (Section 6.5 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1362 (NRS 385.215))

This regulation establishes such a policy, which includes, without limitation: (1) requirements for notifying the parent or legal guardian of a pupil, and the public school in which a pupil is enrolled, when the pupil sustains or is suspected of having sustained an injury to the head; (2) a requirement for a public school to use emergency management protocols to assist a pupil who is experiencing certain symptoms in being evaluated by an emergency medical provider; (3) procedures to be followed when a pupil sustains or is suspected of having sustained a head injury during an activity or event conducted or sponsored by a public school; and (4) a requirement to establish a pathway for a pupil who has sustained or is suspected of having sustained a head injury to return to full participation in the pupil’s course work, interscholastic activities and events and other school activities.

Section 1. Chapter 385 of NAC is hereby amended by adding thereto a new section to read as follows:

1. In accordance with section 6.5 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1362 (NRS 385.215), the Superintendent of Public Instruction hereby adopts the following policy concerning the treatment of injuries to the head that affect the ability of a pupil to learn and otherwise engage with his or her course work at school, including, without limitation, a concussion of the brain:

(a) Each public school shall notify the parent or legal guardian of a pupil enrolled at the public school if the pupil has sustained or is suspected of having sustained an injury to the head:

(1) On the premises of the public school during school hours; or

(2) During an activity or event conducted or sponsored by the public school.

↪ The public school shall provide the parent or legal guardian of the pupil with a written or electronic copy of the policy adopted pursuant to this section.

(b) The parent or legal guardian of a pupil enrolled in a public school shall notify the public school at which the pupil is enrolled if the pupil has sustained or is suspected of having sustained an injury to the head outside of school. The public school shall provide the parent or legal guardian of the pupil with a written or electronic copy of the policy adopted pursuant to this section.

(c) Each public school shall establish and maintain procedures to notify the school nurse, or a person designated to perform similar functions, if a pupil enrolled at the public school has sustained or is suspected of having sustained an injury to the head.

(d) Each public school shall follow its emergency management protocols to assist a pupil in being evaluated by an emergency medical provider as soon as reasonably possible if the

pupil has sustained or is suspected of having sustained an injury to the head and is experiencing any of the following symptoms:

- (1) Neck pain or tenderness;*
- (2) Seizure or convulsion;*
- (3) Double vision;*
- (4) Loss of consciousness;*
- (5) Weakness, tingling or burning in the arms or legs;*
- (6) Deteriorating state of consciousness;*
- (7) Vomiting;*
- (8) Severe or increasing headache;*
- (9) Increasing restlessness, agitation or combative demeanor;*
- (10) Visible deformity of the skull; or*
- (11) Any other concerning symptoms.*

(e) Each public school shall publish and disseminate to the staff of the public school guidance to be followed when a pupil sustains or is suspected of having sustained an injury to the head while participating in an activity or event conducted or sponsored by the public school. If a pupil enrolled in a public school sustains or is suspected of having sustained an injury to the head while participating in an activity or event conducted or sponsored by the public school:

- (1) The pupil must be immediately removed from the activity or event;*
- (2) The public school shall use a screening tool to evaluate whether a pupil who is returning to school needs further assessment by a provider of health care; and*

(3) The public school may require that a provider of health care acting within his or her scope of practice authorize the pupil to return to school.

(f) Each public school shall establish a pathway for a pupil enrolled in the public school who has sustained or is suspected of having sustained an injury to the head, regardless of whether the injury occurred at school or outside of school, to return to full participation in his or her course work. Such a pathway must include, without limitation:

(1) Stages, based on the symptoms of the pupil, through which the pupil must progress before being allowed to return to full participation in his or her course work, interscholastic activities or events or other school activities.

(2) Receipt of reasonable accommodations by the pupil in accordance with subsection 2 of section 6.5 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1363 (NRS 385.215).

2. As used in this section:

(a) "Emergency medical provider" has the meaning ascribed to it in NRS 450B.199, as amended by section 8 of Assembly Bill No. 158, chapter 391, Statutes of Nevada 2023, at page 2287.

(b) "Provider of health care" has the meaning ascribed to it in NRS 385B.080, as amended by section 7 of Senate Bill No. 80, chapter 219, Statutes of Nevada 2023, at page 1363.

Sec. 2. This regulation becomes effective on the later of:

1. July 1, 2024; or
2. The date on which this regulation is filed with the Secretary of State pursuant to NRS 233B.070.

NEVADA DEPARTMENT OF EDUCATION

March 19, 2024

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 Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department 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, and public comment will be taken under each workshop 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 NVBoardEd@doe.nv.gov before the close of the Workshop. 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 call Angie Castellanos, Board Secretary, at (702) 486-8725 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can 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 Angie Castellanos at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 486-8725, or by email at NVBoardEd@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. 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. 3:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 387.281 – REPORT ON NUMBER OF DROPOUTS
(For possible action)

The proposed changes seek to remove the report on the number of pupils who drop out.

- Peter Zutz, Administrator, Office of Assessment Data, and Accountability Management

4. 3:10 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO DRAFT REGULATION R144-22P – ESTABLISHING UNDERSTANDING OF SOCIAL AND EMOTIONAL FACTORS.

The proposed changes seek to prioritize social and emotional factors affecting educational experiences for

pupils.

- Christy McGill, Deputy Superintendent, Office of Educator Effectiveness and Family Engagement

5. 3:15 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 385.XXX– RELATING TO RETURNING TO LEARN AFTER A CONCUSSION. (For possible action)

The proposed changes concerning the treatment of head injuries that affect the ability of a pupil to learn.

- Christy McGill, Deputy Superintendent, Office of Educator Effectiveness and Family Engagement

6. 3:20 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 389.680 – CREDIT FOR CORRESPONDENCE COURSES (For possible action)

The proposed changes seek to streamline credits toward graduation in correspondence courses.

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

7. 3:25 PM WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) 388.281 and NAC 388.284 – CHANGING TRANSITION AGE REQUIREMENTS

The proposed changes seek to create more inclusive language pertaining to transitional services.

- Jennifer Kane, Education Programs Professional, Office of Inclusive Learning

8. 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.

9. ADJOURNMENT

NEVADA DEPARTMENT OF EDUCATION

November 2, 2023

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	Livestream Link

PUBLIC NOTICE

The public is hereby noticed that the Nevada Department 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, and public comment will be taken under each workshop 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 NVBoardEd@doe.nv.gov before the close of the Workshop. 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 call Martha Warachowski, Board Secretary, at (702) 668-4318 or email at NVBoardEd@doe.nv.gov at least five business days in advance so that arrangements can 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 Martha Warachowski at the Nevada Department of Education Office, 2080 E. Flamingo Rd, 89119, or via phone at (702) 668-4318, or by email at NVBoardEd@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. 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. **2:05 P.M. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED CHANGES TO NEVADA ADMINISTRATIVE CODE (NAC) CHAPTER 385.XXX – RETURN TO LEARN POLICY** (For possible action)

The proposed changes seek to add a requirement of the Department of Education to adopt a policy concerning the treatment of injuries to the head.

- Breana Taylor, Education Programs Professional, Office of a Safe and Respectful Learning Environment

4. 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.

5. ADJOURNMENT

Joe Lombardo
Governor

Jhone M. Ebert
Superintendent of
Public Instruction



Southern Nevada Office
2080 East Flamingo Rd,
Suite 210
Las Vegas, Nevada 89119-0811
Phone: (702) 486-6458
Fax: (702) 486-6450

STATE OF NEVADA
DEPARTMENT OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-1116

Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Thursday, November 2, 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:

**2:05 P.M Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 385.XXX—
POLICY CONCERNING THE TREATMENT OF INJURIES TO THE HEAD THAT AFFECT
THE ABILITY OF A PUPIL TO LEARN.**

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 NVBoardEd@doe.nv.gov, by telephone at 775-443-5519, 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 NVBoardEd@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 **Wednesday, November 1, 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.

NAC Chapter 385.XXX

The Nevada Department of Education will prescribe a policy concerning the treatment of injuries to the head that affect the ability of a pupil to learn and otherwise engage with his or her coursework at school, including, without limitation, a concussion to the brain. The policy will

- Require a school to authorize a pupil who has sustained or is suspected of sustaining an injury to the head to receive reasonable accommodations that are based on peer reviewed evidence until the pupil is mentally and physically ready to return to full participation in his or her coursework;*
- Be reviewed every five years and updated, as necessary, to reflect current best practices in the prevention and treatment of injuries to the head.*