

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R022-24

May 31, 2024

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

AUTHORITY: § 1, NRS 390.805.

A REGULATION relating to education; establishing limits on certain examinations and assessments of pupils; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the administration of examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 388.157, 390.105, 390.610, 390.800, 390.810, 390.820, 390.830) Existing law requires the Department of Education to adopt regulations prescribing limits on the: (1) actual time taken from instruction to conduct examinations and assessments that are required to be administered to pupils by state or federal law or by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis; and (2) the number of such examinations and assessments administered to pupils in a school year. Under existing law, the State Board of Education is authorized to waive such limits if the board of trustees of a school district or the governing body of a charter school, as applicable, requests a waiver and the State Board determines a waiver is appropriate. (NRS 390.805)

This regulation requires the board of trustees of each school district and the governing body of each charter school to ensure that, unless a waiver is approved by the State Board: (1) the total number of minutes spent during a school year conducting examinations and assessments of pupils enrolled in the school district or charter school, as applicable, does not exceed 3.5 percent of the total number of minutes of instructional time in the school year; and (2) the number of examinations and assessments administered to pupils enrolled in the school district or charter school, as applicable, does not exceed five. Under this regulation, the examinations and assessments that are subject to these limits: (1) are examinations and assessments required to be administered to pupils by state or federal law or by the board of trustees of a school district or the governing body of a charter school on a district-wide or school-wide basis; and (2) do not include examinations and assessments administered to pupils as a result of participation of the pupils in an advanced placement course, a program of career and technical education or an international baccalaureate course.

Section 1. Chapter 390 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 ensure that, unless the State Board has approved a waiver pursuant to subsection 2 of NRS 390.805:

(a) The total number of minutes spent during a school year conducting examinations or assessments of pupils enrolled in the school district or charter school, as applicable, does not exceed 3.5 percent of the total number of minutes of instructional time during the school year.

(b) The number of examinations and assessments administered in a school year to a pupil enrolled in the school district or charter school, as applicable, does not exceed a total of five.

2. For the purposes of this section:

(a) Except as otherwise provided in this paragraph, an “examination or assessment” is any examination or assessment that is required to be administered to pupils by:

(1) State or federal law; or

(2) The board of trustees of a school district or the governing body of a charter school and is administered to pupils on a district-wide or school-wide basis.

↳ The term does not include an examination or assessment administered to a pupil as a result of the participation by the pupil in an advanced placement course, a program of career and technical education or an international baccalaureate course.

(b) “Instructional time” means time during a school day used for providing instruction to pupils.