

ASSEMBLY BILL NO. 296—ASSEMBLYMEN D’SILVA; AND TORRES

MARCH 14, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing instructional time in public schools. (BDR 34-607)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 1.5)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to education; requiring the reporting of certain information relating to class time used for examinations and assessments; requiring the Department of Education to adopt regulations limiting the amount of time used to prepare for and conduct certain examinations and assessments; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1.5** of this bill requires: (1) each school to annually submit to its school
2 district a report detailing the aggregate amount of class time used for conducting
3 and preparing for certain examinations and assessments; (2) each school district to
4 submit those reports to the Department of Education; (3) the Department to submit
5 those reports received to standing legislative committees relating to education; and
6 (4) the Department to work with and develop corrective action plans for schools
7 that use more than 2 percent of the total number of annual minutes of attendance
8 required for a pupil for conducting or preparing for certain examinations and
9 assessments.

10 Existing law requires the administration of certain examinations and
11 assessments to measure the achievement and proficiency of pupils in various
12 subjects. (NRS 390.055, 390.105) Existing law also requires the Department to
13 adopt regulations limiting the time taken from instruction to conduct an
14 examination or assessment. (NRS 390.805) **Section 2** of this bill requires such
15 regulations to limit, with certain exceptions, the time used for conducting or
16 preparing for an examination or assessment to 2 percent or less of the total number
17 of annual minutes of attendance required for a pupil.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 1.5.** Chapter 390 of NRS is hereby amended by adding
3 thereto a new section to read as follows:

4 *1. Each school within a school district shall, on or before*
5 *December 1 of each year, submit a report to the district detailing*
6 *the aggregate amount of annual class time used for conducting*
7 *and preparing for examinations and assessments during the*
8 *immediately preceding school year.*

9 *2. Each school district shall, on or before December 31 of*
10 *each year, submit all reports received pursuant to subsection 1 to*
11 *the Department.*

12 *3. On or before February 1 of each year, the Department*
13 *shall submit all reports received pursuant to subsection 2 in the*
14 *immediately preceding year:*

15 *(a) In odd-numbered years, to the Director of the Legislative*
16 *Counsel Bureau for transmittal to each standing committee of the*
17 *Legislature with primary jurisdiction over matters relating to K-12*
18 *public education at the beginning of each regular session of the*
19 *Legislature; and*

20 *(b) In even-numbered years, to the Joint Interim Standing*
21 *Committee on Education.*

22 *4. The Department shall provide assistance to schools that*
23 *violate the limitation described in paragraph (a) of subsection 2 of*
24 *NRS 390.805 and develop a corrective action plan for such a*
25 *school to limit the time to conduct or prepare for an examination*
26 *or assessment to not more than 2 percent of the total number of*
27 *annual minutes of attendance required for a pupil.*

28 *5. As used in this section, unless the context otherwise*
29 *requires, "examination or assessment" has the meaning ascribed*
30 *to it in NRS 390.805.*

31 **Sec. 2.** NRS 390.805 is hereby amended to read as follows:

32 390.805 1. The Department shall adopt regulations that, for
33 an examination or assessment administered pursuant to this chapter
34 or required to be administered by the board of trustees of a school
35 district, the governing body of a charter school or a public school on
36 a district-wide or school-wide basis, as applicable, prescribe limits
37 on the:

38 (a) Actual time taken from ~~[instruction]~~ *a school day* to conduct
39 *or prepare for* an examination or assessment; and

40 (b) Number of examinations or assessments administered to
41 pupils in a school year.



1 2. *The regulations adopted by the Department pursuant to*
2 *subsection 1 must:*

3 (a) *Except as otherwise provided in paragraph (b), prohibit*
4 *using more than 2 percent of the total number of annual minutes*
5 *of attendance required for a pupil for conducting or preparing for*
6 *an examination or assessment;*

7 (b) *Provide exceptions from the limitation described in*
8 *paragraph (a):*

9 (I) *That are necessary to comply with the requirements of*
10 *federal law, including, without limitation, the Individuals with*
11 *Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the*
12 *Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f);*

13 (2) *For a pupil who is being administered an examination*
14 *or assessment as a result of the pupil participating in:*

15 (I) *An advanced placement course;*

16 (II) *An international baccalaureate course;*

17 (III) *A program of career and technical education; or*

18 (IV) *Any plan, procedure, program or service for the*
19 *purpose of improving the literacy of pupils enrolled in elementary*
20 *school pursuant to NRS 388.157; and*

21 (3) *For a pupil who is administered an examination or*
22 *assessment to screen for any special needs of the pupil, including,*
23 *without limitation, any difficulty in English language acquisition*
24 *or any disability; and*

25 (c) *Exclude time spent at recess from the limitation described*
26 *in paragraph (a).*

27 3. *If the board of trustees of a school district or the governing*
28 *body of a charter school intends to administer an examination or*
29 *assessment that would exceed a limitation in a regulation adopted by*
30 *the Department pursuant to subsection 1, the board of trustees of the*
31 *school district or the governing body of the charter school must*
32 *request a waiver from the State Board to exceed the limitation. The*
33 *State Board may grant a waiver requested pursuant to this*
34 *subsection if the State Board deems it appropriate.*

35 4. *As used in this section, unless the context otherwise*
36 *requires, “examination or assessment” means a federal, state or*
37 *locally mandated test that is intended to measure a pupil’s*
38 *academic readiness, learning progress and skill acquisition. The*
39 *term does not include:*

40 (a) *A quiz or test developed by a teacher or time devoted to*
41 *quizzes, examinations, reviews of portfolios or evaluations of*
42 *performance that are initiated by a teacher; or*

43 (b) *A sampling test that is not administered to all students.*



1 **Sec. 3.** The provisions of NRS 354.599 do not apply to any
2 additional expenses of a local government that are related to the
3 provisions of this act.

4 **Sec. 3.5.** The provisions of subsection 1 of NRS 218D.380 do
5 not apply to any provision of this act which adds or revises a
6 requirement to submit a report to the Legislature.

7 **Sec. 4.** This act becomes effective on July 1, 2023.

