

Amendment No. 847

Assembly Amendment to Assembly Bill No. 296 First Reprint (BDR 34-607)

Proposed by: Assembly Committee on Ways and Means

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 296 R1 (§ 1.5).

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date				
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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:

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

Existing law requires the administration of certain examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 390.055, 390.105) Existing law also requires the Department to adopt regulations limiting the time taken from instruction to conduct an examination or assessment. (NRS 390.805) **Section 2** of this bill requires such regulations to limit, with certain exceptions, the time used for conducting or preparing for an examination or assessment to 2 percent or less of the total number 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:

Section 1. (Deleted by amendment.)

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

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

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

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

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

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

17 4. *The Department shall ~~provide~~:*

18 (a) *On or before July 1, 2025, develop a plan to provide assistance to schools*
19 *that violate the limitation described in paragraph (a) of subsection 2 of NRS*
20 *390.805 ; and ~~develop a~~*

21 (b) *Create a corrective action plan for each such ~~per~~ school to limit the time*
22 *to conduct or prepare for an examination or assessment to not more than 2*
23 *percent of the total number of annual minutes of attendance required for a pupil.*

24 5. *As used in this section, unless the context otherwise requires,*
25 *“examination or assessment” has the meaning ascribed to it in NRS 390.805.*

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

27 390.805 1. The Department shall adopt regulations that, for an examination
28 or assessment administered pursuant to this chapter or required to be administered
29 by the board of trustees of a school district, the governing body of a charter school
30 or a public school on a district-wide or school-wide basis, as applicable, prescribe
31 limits on the:

32 (a) Actual time taken from ~~instruction~~ *a school day* to conduct *or prepare for*
33 *an examination or assessment; and*

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

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

38 (a) *Except as otherwise provided in paragraph (b), prohibit using more than*
39 *2 percent of the total number of annual minutes of attendance required for a*
40 *pupil for conducting or preparing for an examination or assessment;*

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

42 (1) *That are necessary to comply with the requirements of federal law,*
43 *including, without limitation, the Individuals with Disabilities Education Act, 20*
44 *U.S.C. §§ 1400 et seq., and the Equal Educational Opportunities Act of 1974, 20*
45 *U.S.C. § 1703(f);*

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

48 (I) *An advanced placement course;*

49 (II) *An international baccalaureate course;*

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

51 (IV) *Any plan, procedure, program or service for the purpose of*
52 *improving the literacy of pupils enrolled in elementary school pursuant to NRS*
53 *388.157; and*

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

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

6 3. If the board of trustees of a school district or the governing body of a
7 charter school intends to administer an examination or assessment that would
8 exceed a limitation in a regulation adopted by the Department pursuant to
9 subsection 1, the board of trustees of the school district or the governing body of
10 the charter school must request a waiver from the State Board to exceed the
11 limitation. The State Board may grant a waiver requested pursuant to this
12 subsection if the State Board deems it appropriate.

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

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

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

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

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

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