

ASSEMBLY BILL NO. 210—ASSEMBLYMEMBER HARDY

PREFILED FEBRUARY 3, 2025

Referred to Committee on Education

SUMMARY—Provides for the administration of certain examinations and assessments through remote means to pupils enrolled in a program of distance education. (BDR 34-794)

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

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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; authorizing the administration of criterion-referenced examinations and a college and career readiness assessment to pupils enrolled in a program of distance education through a remote testing platform; revising provisions governing the security and administration of such examinations and assessments; revising provisions governing irregularities in testing administration within a program of distance education; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes the board of trustees of a school district or the
2 governing body of a charter school to provide a program of distance education.
3 (NRS 388.820-388.874) Existing law requires the State Board of Education to
4 prescribe: (1) criterion-referenced examinations to measure the achievement of
5 pupils who are enrolled in grades 3 to 12, inclusive; and (2) certain requirements
6 governing the administration of the examinations. (NRS 390.105) Existing law also
7 requires the State Board to select a college and career readiness assessment to be
8 administered to pupils who are enrolled in grade 11. (NRS 390.610) **Section 1** of
9 this bill: (1) authorizes the board of trustees of a school district or the governing
10 body of a charter school that provides a program of distance education to
11 administer the criterion-referenced examinations and the college and career
12 readiness assessment through a remote testing platform to pupils enrolled in the
13 program; and (2) prescribes certain requirements for the administration of an
14 examination or assessment through such a platform. **Section 4** of this bill requires
15 examinations administered pursuant to **section 1** to conform with uniform
16 procedures adopted by the State Board. **Section 2** of this bill applies the definitions



17 in existing law governing distance education to the provisions of **section 1. Section**
18 **3** of this bill authorizes the State Board to adopt regulations to carry out **section 1.**

19 Existing law requires the Department of Education to adopt and enforce a plan
20 governing the security of criterion-referenced examinations and the college and
21 career readiness assessment. (NRS 390.270) Existing law additionally requires the
22 board of trustees of each school district to adopt and enforce a plan governing the
23 security of examinations and assessments at each school within the district. (NRS
24 390.275) **Sections 5 and 6** of this bill require the plans adopted and enforced by the
25 Department and board of trustees of the school district, respectively, to include
26 procedures to ensure the security of such examinations and assessments
27 administered to pupils through a remote testing platform.

28 Existing law requires the Department to take certain actions if the Department
29 determines that an irregularity in testing administration occurred during certain
30 school years. (NRS 390.290) **Section 7** of this bill applies these provisions to an
31 irregularity in testing administration that occurs in a program of distance education.

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

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The board of trustees of a school district or the governing*
4 *body of a charter school that provides a program of distance*
5 *education may administer the examinations required pursuant to*
6 *NRS 390.105 and, if applicable for the grade levels of the pupils*
7 *enrolled, the college and career readiness assessment required*
8 *pursuant to NRS 390.610 to pupils enrolled in the program*
9 *through a remote testing platform in accordance with the*
10 *provisions of this section.*

11 *2. An examination or assessment that is administered to a*
12 *pupil enrolled in a program of distance education through a*
13 *remote testing platform must:*

14 *(a) Be composed of content that is the same as the content*
15 *contained in an examination or assessment administered pursuant*
16 *to NRS 390.105 or 390.610, as applicable, to a pupil in the same*
17 *grade whose examination or assessment is not administered*
18 *through a remote testing platform.*

19 *(b) Be administered at the time prescribed by the State Board*
20 *pursuant to subsection 4 of NRS 390.105 or paragraph (a) of*
21 *subsection 4 of NRS 390.610, as applicable.*

22 *(c) Be administered in accordance with the plan adopted by the*
23 *Department pursuant to NRS 390.270 and with the plan adopted*
24 *pursuant to NRS 390.275 by the board of trustees of the school*
25 *district that provides the program of distance education.*

26 *3. For the duration of an examination or assessment*
27 *administered through a remote testing platform:*



1 (a) *Each pupil must be monitored by a proctor designated by*
2 *the board of trustees of the school district or governing body of the*
3 *charter school, as applicable, through the use of a video device. If*
4 *the remote testing platform used to administer an examination or*
5 *assessment pursuant to this section does not permit monitoring*
6 *through a video device integrated with the device used to*
7 *administer the examination or assessment, a separate video device*
8 *must be used to allow the proctor to monitor the pupil for the*
9 *duration of the examination or assessment.*

10 (b) *A pupil must be prohibited from exiting the remote testing*
11 *platform until instructed to do so by his or her proctor.*

12 4. *An examination or assessment administered pursuant to*
13 *this section must have a ratio of not more than 10 pupils for each*
14 *proctor. The proctor must verify the submission of the*
15 *examination or assessment from each pupil to whom he or she is*
16 *assigned.*

17 5. *As used in this section:*

18 (a) *“Remote testing platform” means an electronic system*
19 *which allows an examination or assessment to be administered to*
20 *a pupil in a virtual test session that is initiated and managed by a*
21 *proctor who is in a location that is geographically separated from*
22 *the location of the pupil.*

23 (b) *“Video device” means an electronic device integrated with*
24 *a camera that is capable of transmitting live video to a separate*
25 *electronic device.*

26 **Sec. 2.** NRS 388.820 is hereby amended to read as follows:

27 388.820 As used in NRS 388.820 to 388.874, inclusive, *and*
28 *section 1 of this act*, unless the context otherwise requires, the
29 words and terms defined in NRS 388.823, 388.826 and 388.829
30 have the meanings ascribed to them in those sections.

31 **Sec. 3.** NRS 388.874 is hereby amended to read as follows:

32 388.874 1. The State Board shall adopt regulations that
33 prescribe:

34 (a) The process for submission of an application by a person or
35 entity for inclusion of a course of distance education on the list
36 prepared by the Department pursuant to NRS 388.834 and the
37 contents of the application;

38 (b) The process for submission of an application by the board of
39 trustees of a school district, the governing body of a charter school
40 or a committee to form a charter school to provide a program of
41 distance education and the contents of the application;

42 (c) The qualifications and conditions for enrollment that a pupil
43 must satisfy to enroll in a program of distance education, consistent
44 with NRS 388.850 and any other applicable statute;



1 (d) A method for reporting to the Department the number of
2 pupils who are enrolled in a program of distance education and the
3 attendance of those pupils;

4 (e) The requirements for assessing the achievement of pupils
5 who are enrolled in a program of distance education, which must
6 include, without limitation, the administration of the examinations
7 required pursuant to NRS 390.105 and, if applicable for the grade
8 levels of the pupils enrolled, the college and career readiness
9 assessment pursuant to NRS 390.610; and

10 (f) A written description of the process pursuant to which the
11 State Board may revoke its approval for the operation of a program
12 of distance education.

13 2. The State Board may adopt regulations as it determines are
14 necessary to carry out the provisions of NRS 388.820 to 388.874,
15 inclusive ~~§~~, *and section 1 of this act.*

16 **Sec. 4.** NRS 390.105 is hereby amended to read as follows:

17 390.105 1. Except as otherwise provided in subsection 6, the
18 State Board shall, in consultation with the Council to Establish
19 Academic Standards for Public Schools, prescribe examinations that
20 comply with 20 U.S.C. § 6311(b)(2) and that measure the
21 achievement and proficiency of pupils:

22 (a) For grades 3, 4, 5, 6, 7 and 8, in the standards of content
23 established by the Council for the subjects of English language arts
24 and mathematics.

25 (b) For grades 5 and 8, in the standards of content established by
26 the Council for the subject of science.

27 (c) For grades 9, 10, 11 and 12, in the standards of content
28 established by the Council for the subjects required to comply with
29 20 U.S.C. § 6311(b)(2).

30 ➤ The examinations prescribed pursuant to this subsection must be
31 written, developed, printed and scored by a nationally recognized
32 testing company.

33 2. In addition to the examinations prescribed pursuant to
34 subsection 1, the State Board shall, in consultation with the Council
35 to Establish Academic Standards for Public Schools, prescribe a
36 writing examination for grades 5 and 8.

37 3. The Department shall ensure the availability of:

38 (a) The examinations prescribed pursuant to subsections 1 and 2
39 to pupils in any language in which those examinations are
40 published; and

41 (b) Authorized supports to pupils who are English learners for
42 the examinations prescribed pursuant to subsections 1 and 2.

43 4. The State Board shall prescribe:



1 (a) The minimum number of school days that must take place
2 before the examinations prescribed by the State Board pursuant to
3 subsection 1 may be administered to pupils; and

4 (b) The period during which the examinations prescribed by the
5 State Board pursuant to subsection 1 must be administered.

6 5. The board of trustees of each school district and the
7 governing body of each charter school shall administer the
8 examinations prescribed by the State Board at such times as
9 prescribed by the State Board pursuant to subsection 4. The
10 examinations must be:

11 (a) Administered in each school , *and to pupils enrolled in a*
12 *program of distance education who are authorized to take the*
13 *examinations through a remote testing platform pursuant to*
14 *section 1 of this act*, in accordance with uniform procedures adopted
15 by the State Board. The Department shall monitor the school
16 districts and individual schools to ensure compliance with the
17 uniform procedures.

18 (b) Administered in each school , *and to pupils enrolled in a*
19 *program of distance education who are authorized to take the*
20 *examination through a remote testing platform pursuant to section*
21 *1 of this act*, in accordance with the plan adopted pursuant to NRS
22 390.270 by the Department and with the plan adopted pursuant to
23 NRS 390.275 by the board of trustees of the school district in which
24 the examinations are administered. The Department shall monitor
25 the compliance of school districts and individual schools with:

26 (1) The plan adopted by the Department; and

27 (2) The plan adopted by the board of trustees of the
28 applicable school district, to the extent that the plan adopted by the
29 board of trustees of the school district is consistent with the plan
30 adopted by the Department.

31 6. The Department may temporarily waive or otherwise pause
32 the requirement to administer examinations that comply with 20
33 U.S.C. § 6311(b)(2) pursuant to this section if the United States
34 Department of Education grants a waiver from or otherwise pauses
35 the requirements of 20 U.S.C. § 6311(b)(2).

36 **Sec. 5.** NRS 390.270 is hereby amended to read as follows:

37 390.270 1. The Department shall, by regulation or otherwise,
38 adopt and enforce a plan setting forth procedures to ensure the
39 security of examinations that are administered to pupils pursuant to
40 NRS 390.105 and the college and career readiness assessment
41 administered pursuant to NRS 390.610.

42 2. A plan adopted pursuant to subsection 1 must include,
43 without limitation:



1 (a) Procedures pursuant to which pupils, school officials and
2 other persons may, and are encouraged to, report irregularities in
3 testing administration and testing security.

4 (b) Procedures necessary to ensure the security of test materials
5 and the consistency of testing administration.

6 (c) Procedures that specifically set forth the action that must be
7 taken in response to a report of an irregularity in testing
8 administration or testing security and the actions that must be taken
9 during an investigation of such an irregularity. For each action that
10 is required, the procedures must identify:

11 (1) By category, the employees of the school district, charter
12 school or Department, or any combination thereof, who are
13 responsible for taking the action; and

14 (2) Whether the school district, charter school or
15 Department, or any combination thereof, is responsible for ensuring
16 that the action is carried out successfully.

17 (d) Objective criteria that set forth the conditions under which a
18 school, including, without limitation, a charter school or a school
19 district, or both, is required to file a plan for corrective action in
20 response to an irregularity in testing administration or testing
21 security for the purposes of NRS 390.295.

22 *(e) Procedures to ensure the security of examinations and*
23 *assessments administered to pupils enrolled in a program of*
24 *distance education through a remote testing platform pursuant to*
25 *section 1 of this act.*

26 3. The Department shall post a copy of the plan adopted
27 pursuant to this section and the procedures set forth therein on the
28 Internet website maintained by the Department.

29 **Sec. 6.** NRS 390.275 is hereby amended to read as follows:

30 390.275 1. The board of trustees of each school district shall,
31 for each public school in the district, including, without limitation,
32 charter schools ~~and~~ *and programs of distance education*, adopt and
33 enforce a plan setting forth procedures to ensure the security of
34 examinations and assessments.

35 2. A plan adopted pursuant to subsection 1 must include,
36 without limitation:

37 (a) Procedures pursuant to which pupils, school officials and
38 other persons may, and are encouraged to, report irregularities in
39 testing administration and testing security.

40 (b) Procedures necessary to ensure the security of test materials
41 and the consistency of testing administration.

42 (c) With respect to secondary schools, procedures pursuant to
43 which the school district or charter school, as appropriate, will
44 verify the identity of pupils taking an examination or assessment.



1 (d) Procedures that specifically set forth the action that must be
2 taken in response to a report of an irregularity in testing
3 administration or testing security and the action that must be taken
4 during an investigation of such an irregularity. For each action that
5 is required, the procedures must identify, by category, the
6 employees of the school district or charter school who are
7 responsible for taking the action and for ensuring that the action is
8 carried out successfully.

9 *(e) If the school district, or any charter school within the*
10 *school district, provides a program of distance education and the*
11 *school district allows students enrolled in the program to take*
12 *examinations or assessments administered through a remote*
13 *testing platform pursuant to section I of this act, procedures to*
14 *ensure the security of such examinations and assessments.*

15 ➔ The procedures adopted pursuant to this subsection must be
16 consistent, to the extent applicable, with the procedures adopted by
17 the Department pursuant to NRS 390.270.

18 3. A copy of each plan adopted pursuant to this section and the
19 procedures set forth therein must be submitted on or before
20 September 1 of each year to:

21 (a) The State Board; and

22 (b) The Joint Interim Standing Committee on Education, created
23 pursuant to NRS 218E.320.

24 4. On or before September 30 of each school year, the board of
25 trustees of each school district and the governing body of each
26 charter school shall provide a written notice regarding the
27 examinations and assessments to all teachers and educational
28 personnel employed by the school district or governing body, all
29 personnel employed by the school district or governing body who
30 are involved in the administration of the examinations and
31 assessments, all pupils who are required to take the examinations or
32 assessments and all parents and legal guardians of such pupils. The
33 written notice must be prepared in a format that is easily understood
34 and must include, without limitation, a description of the:

35 (a) Plan adopted pursuant to this section; and

36 (b) Action that may be taken against personnel and pupils for
37 violations of the plan or for other irregularities in testing
38 administration or testing security.

39 5. As used in this section:

40 (a) "Assessment" means the college and career readiness
41 assessment administered to pupils enrolled in grade 11 pursuant to
42 NRS 390.610.

43 (b) "Examination" means:

44 (1) The examinations that are administered to pupils pursuant
45 to NRS 390.105; and



1 (2) Any other examinations which measure the achievement
2 and proficiency of pupils and which are administered to pupils on a
3 district-wide basis.

4 (c) "Irregularity in testing administration" means the failure to
5 administer an examination or assessment in the manner intended by
6 the person or entity that created the examination or assessment.

7 (d) "Irregularity in testing security" means an act or omission
8 that tends to corrupt or impair the security of an examination or
9 assessment, including, without limitation:

10 (1) The failure to comply with security procedures adopted
11 pursuant to this section or NRS 390.270;

12 (2) The disclosure of questions or answers to questions on an
13 examination or assessment in a manner not otherwise approved by
14 law; and

15 (3) Other breaches in the security or confidentiality of the
16 questions or answers to questions on an examination or assessment.

17 **Sec. 7.** NRS 390.290 is hereby amended to read as follows:

18 390.290 1. If the Department determines that:

19 (a) At least one irregularity in testing administration occurred at
20 a school, including, without limitation, a charter school, *or in a*
21 *program of distance education* during 1 school year on the
22 examinations administered pursuant to NRS 390.105;

23 (b) In the immediately succeeding school year in which an
24 examination was administered pursuant to NRS 390.105, at least
25 one additional irregularity in testing administration occurred at that
26 school *or in that program of distance education* on the
27 examinations administered pursuant to NRS 390.105; and

28 (c) Based upon the criteria set forth in subsection 2, the
29 irregularities described in paragraphs (a) and (b) warrant an
30 additional administration of the examinations,

31 ↪ the Department shall notify the school and the school district in
32 which the school *or program of distance education* is located that
33 the school *or program* is required to provide for an additional
34 administration of the examinations to pupils who are enrolled in a
35 grade that is required to take the examinations pursuant to NRS
36 390.105 or to the pupils the Department determines must take the
37 additional administration pursuant to subsection 3. The additional
38 administration must occur in the same school year in which the
39 irregularity described in paragraph (b) occurred. Except as otherwise
40 provided in this subsection, the school district shall pay for all costs
41 related to the administration of examinations pursuant to this
42 subsection. If a charter school is required to administer
43 examinations pursuant to this subsection, the charter school shall
44 pay for all costs related to the administration of the examinations to
45 pupils enrolled in the charter school.



1 2. In determining whether to require a school *or program of*
2 *distance education* to provide for an additional administration of
3 examinations pursuant to this section, the Department shall
4 consider:

5 (a) The effect of each irregularity in testing administration,
6 including, without limitation, whether the irregularity required the
7 scores of pupils to be invalidated; and

8 (b) Whether sufficient time remains in the school year to
9 provide for an additional administration of examinations.

10 3. If the Department determines pursuant to subsection 2 that a
11 school *or program of distance education* must provide for an
12 additional administration of examinations, the Department may
13 consider whether the most recent irregularity in testing
14 administration affected the test scores of a limited number of pupils
15 and require the school *or program* to provide an additional
16 administration of examinations pursuant to this section only to those
17 pupils whose test scores were affected by the most recent
18 irregularity.

19 4. The Department shall provide as many notices pursuant to
20 this section during 1 school year as are applicable to the
21 irregularities occurring at a school ~~or~~ *or in a program of distance*
22 *education*. A school shall provide for additional administrations of
23 examinations pursuant to this section within 1 school year as
24 applicable to the irregularities occurring at the school ~~or~~ *or in the*
25 *program*.

26 **Sec. 8.** 1. This section becomes effective upon passage and
27 approval.

28 2. Sections 1 to 7, inclusive, of this act become effective:

29 (a) Upon passage and approval for the purpose of adopting any
30 regulations and performing any other preparatory administrative
31 tasks that are necessary to carry out the provisions of this act; and

32 (b) On July 1, 2026, for all other purposes.



