

**PROPOSED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**LCB File No. R112-20**

July 2, 2021

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

AUTHORITY: § 1, NRS 385.080, 391.465 and 391.480.

A REGULATION relating to education; removing requirements to use certain assessments of learning goals; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Education to adopt regulations establishing a statewide performance evaluation system. (NRS 391.465) Existing regulations require a school or school district to use an assessment to determine whether learning goals have been achieved by pupils that has previously been approved by the Department of Education, if practicable. (NAC 391.582) This regulation removes that requirement.

**Section 1.** NAC 391.582 is hereby amended to read as follows:

391.582 1. The criteria for determining which assessments a school or school district may use to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of NRS 391.480 are:

(a) The degree to which the assessment aligns with:

(1) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and

(2) Curriculum and instruction required for the standards adopted by the State Board;

(b) Whether the assessment is appropriately rigorous to determine pupil achievement in the intended subject areas; and

(c) The validity and reliability of the assessment.

2. A school or school district that uses an assessment to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of NRS 391.480 shall continually monitor the use of the assessment to ensure:

(a) The reliability and validity of the assessment;

(b) That the assessment is scored accurately in a manner that produces results that allow the comparison of pupils, classes or schools; and

(c) The security of the assessment.

~~3. If practicable, a school or school district shall use an assessment that has previously been approved by the Department pursuant to subsection 3 of NRS 391.480 to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of NRS 391.480.~~

~~—4.— If no assessment described in subsection 3 effectively determines the extent to which the learning goals of pupils were achieved:~~

~~—(a) If practicable, a school or school district shall use a modified version of an assessment described in subsection 3 to determine the extent to which the learning goals of pupils were achieved; and~~

~~—(b) If it is not practicable to use an assessment described in paragraph (a) to determine the extent to which the learning goals of pupils were achieved, a school or school district shall develop a new assessment to determine the extent to which the learning goals of pupils were achieved. Such an assessment must be:~~

~~—(1) Reviewed by experts to determine the validity of the assessment; and~~

~~—(2) Scored using a documented protocol that produces high reliability.~~

~~—5.—~~ As used in this section:

(a) “Reliability” means the degree to which the results of the assessment are reproducible in similar circumstances; and

(b) “Validity” means the degree to which an assessment measures pupil achievement in the intended subject area.