

**APPROVED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R085-25

Filed September 24, 2026

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

AUTHORITY: § 1, NRS 388D.296.

A REGULATION relating to education; revising requirements governing certain examinations administered by registered private schools that participate in the Nevada Educational Choice Scholarship Program; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Nevada Educational Choice Scholarship Program, whereby nonprofit organizations accept donations and provide grants to pupils from certain low-income families to allow such pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, which may include private schools. (NRS 388D.270) Existing law requires: (1) each school that receives such a grant to administer certain examinations required by the State or equivalent national examinations that are norm-referenced; and (2) the Department of Education to adopt regulations prescribing requirements for the administration of such an examination by a private school. (NRS 388D.296) **Section 1** of this regulation requires each such registered private school to comply with certain requirements: (1) of existing law relating to the administration and security of examinations and the protection for disclosure of irregularities in the administration and security of examinations; (2) of existing regulations relating to the confidentiality and security of examination materials; (3) adopted by the Department relating to test security; (4) set forth in certain guidance and implementation documents; and (5) set forth in any training provided relating to administering examinations. **Section 1** further authorizes the Department to perform on-site monitoring of the administration of such examinations.

Section 1. NAC 388D.110 is hereby amended to read as follows:

388D.110 1. ~~{At least once each school year,}~~ *Pursuant to NRS 388D.296*, each registered private school ~~{shall}~~ *that is required to* administer ~~{at least one}~~ *each of the examinations required pursuant to NRS 390.105 or the* nationally norm-referenced ~~{test that has been}~~ *examination* approved by the Department pursuant to subsection ~~{2}~~ *3* to each pupil on

behalf of whom a grant is provided pursuant to NRS 388D.270 ~~[-The registered private school]~~ must ~~[include the results of the test in the record of the academic progress of the pupil that the school is required to maintain pursuant to subsection 5 of NRS 388D.270.]~~, *when administering such examinations, comply with the requirements set forth in:*

- (a) NRS 390.250 to 390.305, inclusive, for the administration and security of examinations;*
- (b) NRS 390.350 to 390.430, inclusive, concerning the protection for disclosure of irregularities in the administration and security of examinations;*
- (c) NAC 390.240 for the confidentiality and security of examination materials;*
- (d) The Test Security Procedures Manual adopted by the Department pursuant to NRS 390.270 and available on the Internet website of the Department;*
- (e) Any guidance or implementation documents provided by an examination vendor, including, without limitation, manuals for examination administrators or coordinators, supplemental manuals, technical manuals for examination platforms or user guides; and*
- (f) Any training specifically provided for administering an examination, including, without limitation, providing accommodations, administering specific types of examinations or performing individual examinations.*

2. For the purposes of complying with the requirements of subsection 1, any reference in the provisions of NRS 390.250 to 390.305, inclusive, NRS 390.350 to 390.430, inclusive, NAC 390.240, the Test Security Procedures Manual or any other document or material described in paragraphs (a) to (f), inclusive, of subsection 1 to:

- (a) The board of trustees of a school district or governing body of a charter school shall be deemed to include the governing body of the registered private school.*

(b) The school district or charter school shall be deemed to include the registered private school.

3. Except as otherwise provided in subsection ~~3~~ 4, the Department will approve a nationally norm-referenced ~~test~~ *examination* for administration to pupils on behalf of whom grants are awarded *in lieu of the examinations required pursuant to NRS 390.105* if:

(a) The test has a reliability coefficient of at least 0.8 measuring the internal consistency of the test;

(b) The test has high content validity;

(c) Norming studies have been conducted on the test within the immediately preceding 10 years; and

(d) The test serves as a measure of pupil achievement in English language arts and mathematics for pupils enrolled in kindergarten through grade 12.

~~3~~ 4. The Department may approve a test that does not meet the requirements of subsection ~~2~~ 3 for administration to pupils on behalf of whom grants are awarded who are enrolled in kindergarten, first grade or second grade.

~~4~~ 5. The Department will maintain a list of each test that is approved pursuant to subsections ~~2~~ 3 and ~~3~~ 4.

~~5~~ 6. *The Department may perform on-site monitoring of the administration of an examination required by NRS 390.105 or the nationally norm-referenced examination.*

7. As used in this section, “content validity” means the extent to which a test accurately measures the subject area that it purports to measure.