

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R086-25

January 6, 2026

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

AUTHORITY: § 1, NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431.

A REGULATION relating to education; establishing limits on the preparation for and conduct of certain examinations and assessments of pupils; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 388.157, 390.105, 390.610, 390.800, 390.810, 390.820, 390.830) Existing law requires the Department of Education to adopt regulations prescribing limits on the: (1) actual time taken from a school day to prepare for or conduct examinations and assessments that are required to be administered to pupils by state or federal law or by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis; and (2) the number of such examinations and assessments administered to pupils in a school year. Under existing law, the State Board of Education is authorized to waive such limits if the board of trustees of a school district or the governing body of a charter school, as applicable, requests a waiver and the State Board determines a waiver is appropriate. (NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431)

Senate Bill No. 460 of the 2025 Legislative Session requires the regulations adopted by the Department to: (1) prohibit the total number of minutes spent during a school year preparing for or conducting the examinations and assessments from exceeding 2 percent of the total number of minutes of attendance required for a pupil, excluding time prescribed for recess, in the school year; and (2) provide exceptions from this prohibition that are necessary to comply with federal law, for a pupil who is being administered an examination or assessment as a result of the pupil participating in an advanced placement course, an international baccalaureate course, a program of career and technical education or any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in an elementary school and for a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability. (NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431) This regulation: (1) adopts the limit on the number of minutes of

attendance during a school year that may be spent preparing for or conducting examinations and assessments of pupils; (2) prohibits the number of examinations and assessments administered to a pupil from exceeding five; and (3) adopts the exceptions required by existing law to these limits on examinations and assessments.

Section 1. Chapter 390 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the board of trustees of each school district and the governing body of each charter school shall ensure that, unless the State Board has approved a waiver pursuant to subsection 3 of NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431:

(a) The total number of annual minutes spent during a school year preparing for or conducting examinations or assessments of pupils enrolled in the school district or charter school, as applicable, does not exceed 2 percent of the total number of annual minutes of attendance required for a pupil, excluding time prescribed for recess.

(b) The number of examinations and assessments administered in a school year to a pupil enrolled in the school district or charter school, as applicable, does not exceed a total of five.

2. The limitations imposed by paragraphs (a) and (b) of subsection 1 do not apply:

(a) To the extent necessary to ensure compliance with federal law, including, without limitation, the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and section 204 of the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f);

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

(1) An advanced placement course;

(2) An international baccalaureate course;

(3) A program of career and technical education; or

(4) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in an elementary school pursuant to NRS 388.157; and

(c) For a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability.

3. *For the purposes of this section, “examination or assessment” has the meaning ascribed to it in NRS 390.805, as amended by section 35 of Senate Bill No. 460, chapter 506, Statutes of Nevada 2025, at page 3431.*