

Storey County School District

Plan for Test Procedures and Security Policy



2018-19

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Introduction

The *Plan for Test Procedures and Security Policy* is intended to articulate clear and consistent guidelines for the administration of state and district-mandated tests in the Storey County School District for all employees who administer tests or who assist with the testing program. It is intended for use with the state test security manual, *Nevada Department of Education Test Security Procedures*. This plan is subject to change pending the results of an audit of the state assessment system conducted by a test security vendor this fall.

The intent of this plan is to focus upon the standardization and professionalism of the testing policies and procedures within the Storey County School District. This plan was adopted by the Board of Trustees on August 29, 2018. For additional information, contact the Test Director, Storey County School District, at 847-0977.

Statement of Responsibility

Responsibility for proper administration of the Nevada Proficiency Examination Program (NPEP) and Storey County School District testing program is shared by all District employees.

1. In accordance with Nevada Administrative Code (NAC) 389.054, on or before September 15, the principal of each school shall submit to the District Test Director (for submission to the Department of Education) a copy of the ASSURANCE FORM (Authorization to Administer the Nevada Proficiency Examination and Other State Assessments). **Ultimately, it is the school principal who bears the responsibility for test administration.**
2. Each teacher and other administrative or classified personnel involved with the testing program will annually receive training and acknowledge (in writing) that s/he has received a copy of this *Plan for Test Procedures and Security Policy* and/or the *Test Security Plan*, has read the plan, and understands the plan.
3. Teachers and other administrative or classified personnel involved with the testing program will attend the school site meeting where this information will be discussed. Only individuals who have participated in the annual training must be allowed to administer or proctor an examination unless a special training has been provided for them prior to administration of the test. **Primary responsibility for test administration must never** be given to unlicensed personnel, student teachers, or parent and community volunteers. A copy of the sign-in sheet for the school site meeting must be sent to the District Test Director.

An acknowledgment intended for use by teachers and all other appropriate district employees who participate in any aspect of the testing program is included on page 14 of this document. Copies of applicable sections of NRS 389 are also attached.

Purposes of the Assessment Program

The purpose of the Storey County School District assessment program is to identify individual student needs and appropriate curriculum or instructional modifications, based upon the skills and concepts tested. Longitudinal tracking of statistical data will demonstrate content areas of learning strength and deficiency. Statistical data can also be used to establish comparisons among students in the district, in the state, and in the nation. It is the intent of the District testing program to gather and report data that are accurate, meaningful and professionally sound. The professional integrity of every certified or classified employee of the district is, therefore, required for the effective implementation of this program.

Instructional Use of Examinations

The use of examination data is to encourage analysis of results and to assist in planning for instructional improvement at every level, i.e., student, classroom, grade level, school, or district. The statistical data and other information received from examinations are most effectively used for diagnostic and prescriptive purposes to improve the curriculum and instructional program.

Parent/Guardian Notification

Notifying parents/guardians of Storey County School District testing program is considered to be an integral part of test orientation and preparation. School administrators and teachers are encouraged to communicate with the parents/guardians of affected students about one month before the actual testing. Written notice regarding tests and examinations mandated by the state or school district will be produced by the Test Director and distributed to staff, parents and/or legal guardians of all students, no later than September 30.

A copy of the Storey County School District 2018-19 testing calendar can be found on page 13 of this document.

To maximize the opportunity for appropriate use of assessment results and in accordance with NRS 389.015, not more than 10 working days after a school district receives the results of the examinations, the superintendent of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided, not more than 15 working days after each school receives the results of the examinations, the principal of each school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil (a) during a conference or (b) by mailing the results to the last known address of the parent or legal guardian.

If a pupil fails the High School Proficiency Examination, the school shall notify the pupil and the parents or legal guardian of that pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

Timing the Examination

Accurate timing of all tests is important to ensure the reliability of the results. The administrative test instructions, accompanying teacher directions or manuals, and other materials specify the time limits for each test or sub-test. Administrators and teachers are responsible for implementing and monitoring the specific time limits. Any deviation from the specific time limits is a violation of ethical testing practices and professional expectations.

Although the specific administration schedule for testing at each school is a site-based decision, all schools are strongly encouraged to schedule long content area sub-tests (i.e., Reading and Mathematics) so that students can complete Part I and Part II for the same content area on the same day. Students who complete Part I but not Part II or vice versa, for whatever reason, should have the entire content area sub-test invalidated according to instructions included in the "Nevada Proficiency Examination Program, Test Coordinator's Manual."

Examination Administration Procedures

DEFINITIONS

The following definitions will be used throughout this section:

- "District Test Director" refers to the individual who represents an individual school district on all matters of testing.
- "School Test Coordinator" refers to the individual who represents an individual school on all matters of testing. (It is important to note that the Test Coordinator's responsibilities do not, in any way, minimize the fact that the school principal assumes final responsibility for the proper training and administration of all testing.)
- "Classroom Test Administrator" refers to an individual who is responsible for administering tests to students.
- "Classroom Proctor" refers to a school employee who assists the Classroom Test Administrator by supervising students during testing.

Examination logins are not to be distributed until the prescribed date prior to examination administration. When not in the school's locked test storage cabinet or in a classroom used for test administration, examination materials must not be left in any area to which students or others have unsupervised access.

NRS 389.015 indicates that all items contained in Nevada Proficiency Examination Program examinations and the approved answers are confidential. Disclosure of test items and testing materials and approved answers used for ALL state-mandated assessments is unlawful and constitutes grounds for revocation of licensure and/or other penalties, unless a person has written authorization in advance from the Nevada Superintendent of Public Instruction. Similarly, district-mandated assessments are confidential.

All writing test prompts, examination logins, and teacher directions or manuals must be counted by the appropriate office staff, and batched well in advance of the examination date to assure ample materials for the date of examination administration. Examination logins will be numbered in order to facilitate more efficient return of materials. The School Test Coordinator must maintain a log identifying the serial numbers of the test assigned to each Classroom Test Administrator.

Numbered test logins will be issued to school sites, requiring a signature of the principal or School Test Coordinator verifying receipt of materials. A signature will be required (on an "Accountability Worksheet" – see page 15 of this document) for each Classroom Test Administrator to whom numbered logins are issued. Classroom Test Administrators shall assign test booklets to students using these numbers. **All test logins must be accounted for prior to the dismissal of students at the end of the testing period.**

The School Test Coordinator must verify (in writing) that the same numbered test logins are returned, after testing is completed. A copy of this "Accountability Worksheet" (page 15 of this document) indicating signatures for receipt of materials and numbered test logins must be kept at the school site for future auditing purposes and a copy must be submitted to the Educational Services Department.

Sufficient Classroom Test Administrators and/or Classroom proctors should be provided to adequately supervise and monitor the assessment (a maximum ratio of 35:1 is suggested). Unlicensed personnel, student teachers, and parent or community volunteers may act as proctors and not as test administrators. At the secondary level, School Test Coordinators will provide each Classroom Test Administrator a list of eligible students. Changes to these lists can only be made by the School Test Coordinator. **Classroom Test Administrators are responsible for verifying the identification and eligibility of each student.** This will necessitate checking I.D. cards and/or requesting verification from the school office if the student is not known to the Classroom Test Administrator. School sites will establish the process for verifying student eligibility.

Test administrators must follow all instructions given in the administration manuals for each test. The Classroom Test Administrator must ascertain that all students understand the directions for taking the test. Test administrators, proctors, or other adults may not provide assistance of any kind beyond making certain that students understand the instructions for taking the test. Students may not provide assistance of any kind on test material to other students. A parent or guardian of a student who is participating in a specific test must not be present in the testing room. All required materials must be provided at the testing location.

Additional instructional materials, beyond those specified in test administration instructions, or approved by an IEP committee, cannot be provided to students for use during a test administration. Failure to strictly adhere to consistent and uniform test administration procedures may result in the invalidation of student scores. Accommodations for IEP students will be provided in accordance with students' testing accommodation plans.

At appropriate intervals, the Classroom Test Administrator may announce the number of minutes remaining, if permitted by test and/or examination instructions. The starting and stopping times for each section may be written on the chalkboard.

During test administration, the Classroom Test Administrators and/or other proctors should closely and frequently monitor to see that each student is marking answers in the correct manner. They should help those students who are not marking their answers appropriately. After such problems have been resolved, the only educational assistance given should clarify the instructions for taking the test and/or examination.

Students are better prepared for the assessment situation if the Classroom Test Administrator explains that the purpose of taking a test is to find out which skills have been mastered so that instruction can focus upon skills needing further development. It should be pointed out that some items will be more difficult than others and some material may be new to students; they are not expected to know all the answers.

Special circumstances, interruptions, or distractions that affect individual or group performance can also result in invalid subtests. Students who experience sudden illness, or who become unduly disturbed by the assessment situation should have their subtests marked as invalid. Students who complete only one part of the longer Reading and Mathematics subtests should have the entire subtest invalidated, as described above.

The Classroom Test Administrator should continually walk through the classroom during the time allocated for the test and/or examination. Sitting down throughout the assessment period is inappropriate. It is essential for Classroom Test Administrators to monitor student progress continuously during the assessment period. It is important to observe unusual behavior carefully.

Test administrators, proctors, or other adults may not provide assistance of any kind (including gestures, signals, rewards, or any other form of communication) beyond making certain that students understand the instructions for taking the test.

At no time during testing should students be left unattended with test and/or examination materials. A restroom break should be provided prior to the test administration. Restroom breaks should be discouraged during the administration of tests in grades 3 through 8. On any administration of the End of Course Examination, having students leave the room for any reason except in an emergency should **not** be allowed.

Upon completion of testing, all test materials (including scratch paper) are to be returned to the appropriate school administrator or School Test Coordinator in a timely manner (not later than the end of the school day on which the assessment is administered). If more than one day is involved, all assessment materials must be returned to the school administrator/School Test Coordinator each day and stored securely in an area to which no students or others have unsupervised access.

At the conclusion of testing, it is expected that the logins, which were issued to a Classroom Test Administrator, will be returned to the School Test Coordinator. All examination logins must be accounted for when they are returned to the School Test Coordinator using the “Accountability Worksheet” (found on page 15 of this plan), or another form approved by the school principal. The School Test Coordinator and school administrator will, in turn, verify by signature that all booklets sent to the school are returned to the District Test Director.

Students may bring only required materials to the test and/or examination session: writing utensil and calculators, if authorized by the state, district or publisher. All other materials--including examination logins and scratch paper--shall be provided at the testing location. These materials must be accounted for and collected from each student before s/he leaves the testing room. All used scratch paper will be destroyed in an appropriate manner as determined by the administrator of that school.

Electronic devices are strictly PROHIBITED unless a student has an accommodation plan that allows a specific permissible device (see the Students with Special Needs section of this manual for further information), or if an online assessment requires a specific device. Unauthorized possession of non-permissible devices may result in invalid scores. All computers in the Storey County School District are prepared to administer the on-line writing assessment.

An Appropriate Testing Environment

All students should have the opportunity to test under the same conditions, regardless of physical location.

The following test administration procedures must be adhered to:

- Place-value indicators, number lines, charts, posters, or any materials that provide specific factual information or guidance (e.g., definitions, test-taking strategies, multiplication charts, hundreds charts, fraction-decimal-percent equivalency charts, graphic organizers, annotated samples of essays or paragraphs, or sample introductory and concluding techniques) must be removed or covered with blank, opaque material.
- Student desk/table tops must be cleared of any material not specified in the test administration manual. Material that is affixed to desk tops must be covered with blank, opaque material.
- Students may use only materials and/or supplies that are specified in the test administration manuals or provided with the test booklet for a specific test and grade level.
- Students may not have access to personal materials, including electronic devices, during testing unless specified in the student's IEP. Unauthorized possession of such materials may result in invalid scores.
- All testing materials must be distributed or accessed prior to the beginning of the testing session.
- Photographing, recording, or transmitting any part of a test or testing session is prohibited (except if required for the NAA)
- Scratch paper may only be plain unlined, lined, or grid-only (unlabeled) graphing paper. No other pre-printed material is permitted on the front or back except for student identification information.
- Prior to and during testing, a test administrator must follow the script provided in the test administration manual and cannot provide additional assistance or direct the students' attention to any materials in the room for the purpose of enhancing test performance.
- Parents or guardians of students who are participating in a test must not be allowed in the testing room.

The following aids may be displayed, but individual copies may not be provided to students for use during the test:

- Writing scoring guides provided by the Department of Education
- Word walls or word lists without definitions, visual aids (including color coding), or labels

Materials provided by the Department of Education may not be paraphrased or modified (except for enlargement). For information regarding testing students with accommodations, see the Students with Special Needs section of *Nevada Department of Education Test Security Procedures 2018-19*.

Breaks and Additional Time

For all assessments, food and beverages are only permitted during a supervised break.

ELA, Math, Science (Grades 3-8), EOC, and WIDA

A restroom break should be provided prior to test administration. Breaks during the scheduled testing period are discouraged unless absolutely necessary, or if stipulated in a student's testing accommodation plan, and must be closely supervised.

Some students will not finish their Part or Session of the assessment during the scheduled testing period and must be given additional time as long as they are working productively. Follow your school's test security plan for appropriate procedures. Students must not interact with their peers during this process, and must be accompanied by trained staff while in possession of test materials. At this time, students may require a break. Breaks must be closely supervised and should be limited to 10 or 15 minutes. A ratio of one staff member to no more than a few students is recommended. Reading or writing is not permitted during the breaks. It is not appropriate to excuse students to another class, P.E., lunch, recess, or other school activity prior to completion of a Part, Session, or Language Domain Test. Students may not return to a previously-administered Part, Session, or Language Domain Test after an unsupervised break or on a subsequent day.

WIDA and CTE Assessments are timed tests for students who are not testing with accommodations. See the specific testing accommodation forms (appendix, Students with Special Needs chapter) for information regarding additional time for these assessments.

NAA

Students taking the NAA are allowed as much time as is necessary to complete the assessment within the testing window. Breaks are permitted, as needed. Detailed guidelines for breaks, time, and all other aspects of test administration protocol are included in the *Nevada Alternate Assessment Administration Manual* available on the Nevada Department of Education website (http://nde.doe.nv.gov/Assessment_NAA.htm).

Permissible Activities for Students Who Finish Early

For EOC and Grade 3-8 assessments, students may bring books or other reading materials (paper versions only—no electronic devices) to occupy their time quietly if they complete testing early. These materials must not be on student desk or table tops while they are testing. Students may store these materials under their desks or on a table in the front or back of the room. Test administrators may also provide reading materials (paper versions only—no electronic devices) to students. Plan ahead for this activity, as it is not appropriate for students to reach into their desks or backpacks while testing is in progress. Drawing and writing are **not** permitted.

Test Item Security and Confidentiality

DEFINITIONS

The following definitions will be used throughout this section:

- “**Irregularity in testing administration**” means the failure to administer an examination in the manner intended by the person or entity that created the examination.
- “**Irregularity in testing security**” means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:
 - ◆ The failure to comply with the department or district security procedures.
 - ◆ The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law.
 - ◆ Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

The test items, problems or questions contained in all examinations and the approved answers for grading them are confidential. **Test administrators, proctors, school administrators, teachers, and any other school personnel are not allowed to review the test contents for any reason.** Copies of examinations currently in use are not to be stored in places to which faculty or other persons have unsupervised access.

During test administration, Classroom Test Administrators and/or proctors must not make written notes regarding specific writing test prompts, test items, or illustrations in booklets while administering examinations. The writing test prompts, test items, problems, or questions contained in all Storey County School District examinations and the approved answers for grading them must not be copied by any means without the specific written consent of the Storey County Superintendent.

Copying test prompts, test items, or approved answers by any means, or disclosure of those prompts, items, or approved answers is a breach of state testing procedures. Such breaches of testing procedures may be cause for disciplinary action.

Any questions about the use of test materials or the breach of test security should be directed to the school principal or to the District Test Director.

Any concern about the contents of a test prompt or test item should be communicated directly to the school principal within the first two school days after the examination has been administered. S/he will forward that concern to the District Test Director.

On or before September 30 of the school year, each school principal or his/her designee shall conduct an explanatory meeting for all faculty members and other appropriate personnel involved with testing. The purpose of the meeting will be to insure that all certified and classified personnel involved with assessment are familiar with the policies and professional expectations contained within this *Plan for Test Procedures and Security Policy*. Each faculty member (and all other appropriate school personnel) shall be given a copy of this plan or a copy of the summary version, *Test Security Plan*, for personal reference.

Test Collection and Scoring

The Classroom Test Administrator is responsible for collecting and organizing any and all assessment materials for his/her individual classroom. The Classroom Test Administrator should carefully check that each student login is returned..

It is important for everyone associated with test administration to understand that the figures for state accountability reporting are based upon demographic coding as well as for students receiving services from Special Education, ESL, or who have a 504 plan. In other words, school and district accountability reports will be provided based upon demographic coding verified by teachers and administrators at school sites.

When the school administrator or his/her designee returns materials to the District Test Director, it is expected that all materials will already be organized and ordered as has been requested. The "Accountability Worksheet" (page 15 of this document) must also accompany answer documents when they are returned to the District Test Director.

Scoring, whether completed by the Storey County School District, the State of Nevada or a private vendor, will be handled in accordance with the publisher's directions using the norms for the appropriate examination level and time of year.

Reporting the examination scores of individual students to anyone other than authorized school personnel, the student's parent/guardian, or the student is a violation of the privacy rights of the individual. Any research conducted within the Storey County School District that may deal with student examination scores must first be approved in writing by the Storey County Superintendent, who will ascertain that individual confidentiality will be fully maintained.

In view of the many variables involved in assessment, it is considered inappropriate to compare only test and/or examination scores without consideration of other factors, such as population tested, transiency rates, socioeconomic factors of the population, dropout rates, etc.

Reporting Suspected Breaches or Irregularities

In accordance with NRS 391.600 through 391.648, all pupils, school officials and others are strongly encouraged to report any suspected irregularities in testing administration or testing security.

NRS 391.628 specifically prohibits any school official from directly or indirectly using his/her official authority to influence another school official in an effort to interfere with or to prevent the disclosure of information concerning a testing irregularity.

If any reprisal or retaliatory action is taken within two years of the disclosure, a process of appeal for that school official will result in a hearing before the State Board of Education.

A person who willfully discloses untruthful information concerning testing irregularities shall be guilty of a misdemeanor and is subject to disciplinary action.

A teacher or administrator may be demoted, suspended, dismissed or not re-employed, or his/her license may be suspended for failure to observe and carry out state or school district plans for ensuring the secure administration of required examinations.

In certain instances of repeated test administration irregularities at the same school in consecutive years, the Nevada Department of Education may determine that an examination must be administered again at the expense of the school district.

In the event of any suspected breach of test and/or examination security or unauthorized disclosure of test and/or examination content, this sequence should be followed:

- 1) The situation shall be immediately reported to the school principal and/or school test coordinator.**
- 2) The principal and/or test coordinator must immediately report the breach of test security to the district test director. (Note: It is the district test director who has been designated by the local Board of Trustees as their designee for handling alleged breaches in test security.) The principal will initiate the investigation process. S/he will interview students, teachers, and/or paraprofessionals who may have been involved in the alleged security breach. The principal will carefully document the accounts of all witnesses. He will include this information in the report that he is required to submit to the district test director.**
- 3) The district test director will immediately communicate with appropriate SCSD district-level administrators and/or Board of Trustees about the suspected breach or unauthorized disclosure.**
- 4) Within 24 hours of the alleged incident, the district test director must report any breach of test security to the Nevada Proficiency Examination Program personnel.**
- 5) Within five days of the alleged incident, the school principal must provide a completed "Report of Test Irregularity in the Nevada Proficiency Examination Program" to the district test director. This report needs to be completed when any alleged breach of test security or irregularity involving either district and/or state-required assessments has occurred.**

Investigation Protocol

Reported instances of alleged breaches of test administration or test security may be investigated by the school district or by the Nevada Department of Education. Both the school district and the Department of Education may issue a subpoena, as needed, to compel attendance or testimony of a witness or the production of relevant materials. If the witness refuses to attend, testify, or produce relevant materials, the school district or the Nevada Department of Education may report that refusal to the district court.

Storey County School District

Assessment Calendar for 2018-19

DATE	ELEMENTARY SCHOOL	MIDDLE SCHOOL	HIGH SCHOOL/ADULT
2019 Jan. 21 – March 1	K – 5 th WIDA (LEP Students)	6 th – 8 th WIDA (LEP Students)	9 th – 12 th WIDA (LEP Students)
March 12 April 24 (make-up)			11 th College and Career Readiness Assessment (ACT)
Feb 21 – May 22*	Nevada Alternate Assessment (NAA)	Nevada Alternate Assessment (NAA)	Nevada Alternate Assessment (NAA)
Feb 21 – May 22*	3 rd – 5 th SBAC ELA 3 rd – 5 th SBAC Math	6 th – 8 th SBAC ELA 6 th – 8 th SBAC Math	
Feb 21 – May 22*	5 th Grade Science	8 th Grade Science	10 th Grade Science
TBD		8 th End of Course Math (Algebra I students only)	9 th – 11 th End of Course ELA 9 th – 11 th End of Course Math

*Tests must be administered within this given testing window

Revised 8/8/17

**Acknowledgement of the Receipt (and Understanding) of the SCSD
*Plan for Test Procedures and Security Policy***

Name of School _____

My signature below indicates that I have received test security training and a copy of Storey County School District's *Plan for Test Procedures and Security Policy* and/or *Test Security Plan* document(s). I have reviewed and I understand the information contained. (This page must be signed and returned to your school's principal.)

Signature

Date

Printed Name

Test Coordinator Signature

Date

NOTE: It is the principal's responsibility to retain this signed page until the beginning of the following school year in the event that questions or circumstances require reference to this signed form. **(A copy of the meeting sign-in sheet must be sent to the District Test Director for reporting/auditing purposes.)**

Related Nevada Revised Statutes

NRS 389.550 Administration of criterion-referenced examinations.

1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

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

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

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

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 5 and 8.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to [NRS 389.616](#) by the Department and with the plan adopted pursuant to [NRS 389.620](#) by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

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

(Added to NRS by [1999, 3386](#); A [2001, 1208](#); [2003, 19th Special Session, 63, 64](#); [2005, 1178](#); [2013, 3272](#))

NRS 389.620 Adoption and enforcement of plan for test security by board of trustees; contents of plan; annual submission of plan to State Board and Legislative Committee on Education; written notice concerning plan to educational personnel, pupils and parents; definitions.

1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations and assessments.

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

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

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

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

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

↳ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to [NRS 389.616](#).

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

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to [NRS 218E.605](#).

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations and assessments to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations and assessments, all pupils who are required to take the examinations or assessments and all parents and legal guardians of such

pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

- (a) Plan adopted pursuant to this section; and
- (b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "Assessment" means the college and career readiness assessment administered to pupils enrolled in grade 11 pursuant to [NRS 389.807](#).

(b) "Examination" means:

(1) The examinations that are administered to pupils pursuant to [NRS 389.550](#) or [389.805](#); and

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

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

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

(1) The failure to comply with security procedures adopted pursuant to this section or [NRS 389.616](#);

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

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

(Added to NRS by [2001, 1199](#); A [2013, 3274](#))

NRS 389.628 Violation of district plan: Duty of board of trustees to investigate or refer to Department; authority of board of trustees to issue subpoenas; enforcement of subpoena by court.

1. If a school official has reason to believe that a violation of the plan adopted pursuant to [NRS 389.620](#) may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to [NRS 389.620](#) may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to [NRS 389.550](#) or [389.805](#) or the college and career readiness assessment administered pursuant to [NRS 389.807](#), immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to [NRS 389.550](#) or [389.805](#) or the college and career readiness assessment administered pursuant to [NRS 389.807](#), requesting that the Department investigate the incident pursuant to [NRS 389.624](#).

☛ The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to [NRS 389.620](#).

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him or her,

↳ and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

(Added to NRS by [2001, 1200](#); A [2013, 3276](#))

NRS 391.312 Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; consideration of evaluations and standards of performance.

1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

- (a) Inefficiency;
- (b) Immorality;
- (c) Unprofessional conduct;
- (d) Insubordination;
- (e) Neglect of duty;
- (f) Physical or mental incapacity;
- (g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
- (h) Conviction of a felony or of a crime involving moral turpitude;
- (i) Inadequate performance;
- (j) Evident unfitness for service;
- (k) Failure to comply with such reasonable requirements as a board may prescribe;
- (l) Failure to show normal improvement and evidence of professional training and growth;
- (m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
- (n) Any cause which constitutes grounds for the revocation of a teacher's license;
- (o) Willful neglect or failure to observe and carry out the requirements of this title;
- (p) Dishonesty;
- (q) Breaches in the security or confidentiality of the questions and answers of the examinations that are administered pursuant to [NRS 389.550](#) or [389.805](#) and the college and career readiness assessment administered pursuant to [NRS 389.807](#).**
- (r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations and assessments adopted pursuant to [NRS 389.616](#) or [389.620](#);**
- (s) An intentional violation of [NRS 388.5265](#) or [388.527](#);
- (t) Gross misconduct; or
- (u) An intentional failure to report a violation of [NRS 388.135](#) if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

(Added to NRS by 1967, 968; A 1973, 791; [1987, 1004](#); [1999, 1434, 3241](#); [2001, 1211](#); [2011, 2246, 2285](#); [2013, 3281](#))—(Substituted in revision for NRS 391.312)

PROTECTION FOR DISCLOSURE OF IRREGULARITIES IN TESTING ADMINISTRATION AND SECURITY

NRS 391.600 Definitions. As used in [NRS 391.600](#) to [391.648](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 391.602](#) to [391.620](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2001, 1209](#); A [2013, 3283](#))

NRS 391.602 “Assessment” defined. “Assessment” means the college and career readiness assessment administered to pupils in grade 11 pursuant to [NRS 389.807](#).

(Added to NRS by [2013, 3280](#))

NRS 391.604 “Examination” defined. “Examination” means:

1. The examinations that are administered to pupils pursuant to [NRS 389.550](#) or [389.805](#); and
2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(Added to NRS by [2001, 1209](#), A [2013, 3283](#))

NRS 391.608 “Irregularity in testing administration” defined. “Irregularity in testing administration” means the failure to administer an examination or assessment in the manner intended by the person or entity that created the examination or assessment.

(Added to NRS by [2001, 1209](#); A [2013, 3283](#))

NRS 391.612 “Irregularity in testing security” defined. “Irregularity in testing security” means an act or omission that tends to corrupt or impair the security of an examination or assessment, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to [NRS 389.616](#) or [389.620](#);
2. The disclosure of questions or answers to questions on an examination or assessment in a manner not otherwise approved by law; and
3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination or assessment.

(Added to NRS by [2001, 1209](#); A [2013, 3283](#))

NRS 391.616 “Reprisal or retaliatory action” defined. “Reprisal or retaliatory action” includes, without limitation:

1. Frequent or undesirable changes in the location of an office;
2. Frequent or undesirable transfers or reassignments;
3. The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;
4. A demotion;
5. A reduction in pay;
6. The denial of a promotion;
7. A suspension;
8. A dismissal;
9. A transfer; or
10. Frequent changes in working hours or workdays,

if such action is taken, in whole or in part, because the school official disclosed information concerning irregularities in testing administration or testing security.

NRS 391.620 “School official” defined. “School official” means:

1. A member of a board of trustees of a school district;
2. A member of a governing body of a charter school; or
3. A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

NRS 391.624 Declaration of policy concerning disclosure of irregularities in testing administration and security. It is hereby declared to be the policy of this state that a school official is encouraged to disclose, to the extent not expressly prohibited by law, irregularities in testing administration and testing security, and it is the intent of the legislature to protect the rights of a school official who makes such a disclosure.

NRS 391.628 School official prohibited from using authority or influence to prevent disclosure of information.

1. A school official shall not directly or indirectly use or attempt to use his official authority or influence to intimidate, threaten, coerce, command, influence or attempt to intimidate, threaten, coerce, command or influence another school official in an effort to interfere with or prevent the disclosure of information concerning irregularities in testing administration or testing security.

2. As used in this section, "official authority or influence" includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.