

**PROPOSED REGULATION OF THE  
DEPARTMENT OF EDUCATION**

**LCB File No. R030-14**

(This draft replaces the one posted March 7, 2014; some language was removed  
for separate consideration (see LCB File No. R053-14))

Nevada Department of Education

Proposed Regulation: Confidentiality of Testing Investigation

Authority: NRS 385.200 - allows the Superintendent to prescribe regulations for making reports and conducting proceedings.

**NAC Chapter 389 is hereby amended by adding new language as follows:**

***Sec. 1. Confidential Records Related to Investigation of Testing Irregularity (NRS 385.200; NRS 389.616; NRS 389.628; NRS 389.624)***

***1. Except as otherwise provided in this subsection, the following types of information and documents, which are compiled by the Department pursuant to NRS 389.600 through NRS 389.648, are confidential, including without limitation:***

***(a) The records or files submitted to or maintained by the Department pursuant to its investigation under NRS 389.624;***

***(b) Copies of records or files created pursuant to a request from the Department or submitted to the Department pursuant to its investigation under NRS 389.624 which are retained by a school district or charter school; and***

***(c) Any information obtained by, created by, or made available to the Department pursuant to its investigation under NRS 389.624, including without limitation communications, records, affidavits, reports, analyses, subpoenas, responses to subpoenas, interviews, questionnaires, depositions, and deposition transcripts.***

***2. The provisions of this subsection do not prohibit the Department from disclosing any information obtained by, created by, or made available to the Department pursuant to its investigation under NRS 389.624, before concluding its investigation if, in the discretion of the Department, such disclosure is deemed by the Superintendent to be in the best interest of the State.***

***3. Except as otherwise provided by law, the following types of information and documents, which are maintained by the Department pursuant to NRS 389.600 through NRS 389.648, are not deemed confidential:***

***(a) the written summaries and reports of irregularities prepared pursuant to NRS 389.648; and***

***(b) any plan for corrective action required pursuant to NRS 389.636 or NRS 385.175(6).***