

**PROPOSED REGULATION OF THE
DEPARTMENT OF EDUCATION**

LCB File No. R030-14

April 4, 2014

(Certain provisions of LCB File No. R030-14I are included in
LCB File Nos. R032-14P and R053-14P.)

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

AUTHORITY: §1, NRS 239.010, 389.616, 389.624 and 389.648.

A REGULATION relating to education; providing, with certain exceptions, for the confidentiality of records relating to the administration and security of examinations administered to pupils; providing for the disclosure of such a record or information in certain circumstances; and providing other matters properly relating thereto.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, any record or information in a record that is compiled, obtained or created by, submitted or made available to or maintained by the Department in connection with an investigation conducted by the Department pursuant to NRS 389.624 is confidential, including, without limitation:

(a) A copy of any such record created by a school district or charter school pursuant to a request from the Department and retained by the school district or charter school; and

(b) Any record of a communication, affidavit, report, analysis, subpoena, response to a subpoena, questionnaire, interview or deposition.

2. The provisions of subsection 1 do not prohibit the Department from disclosing to any person any record or information described in that subsection if, in the judgment of the Superintendent of Public Instruction, the disclosure is in the best interest of the State.

3. Except as otherwise provided by law, the following records are not confidential:

(a) A written summary prepared by the Department pursuant to subsection 2 of NRS 389.648 and the report of irregularities in testing administration and testing security to which the summary relates.

(b) A plan for corrective action filed pursuant to NRS 389.636.

4. As used in this section, "record" includes the original or a copy of any document, electronic file or recording.