

Steve Sisolak  
Governor

Jhone M. Ebert  
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**STATE OF NEVADA**  
**NEVADA DEPARTMENT OF EDUCATION**  
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**Notice of Workshop to Solicit Comments on Proposed Regulation**

The Nevada Department of Education is proposing regulation language pertaining to the Nevada Administrative Code (NAC). The Workshop has been scheduled for **Monday, February 28, 2022** via [Lifesize](#) and at the following locations: **Nevada Department of Education Offices, 700 East Fifth Street, Board Room, Carson City and 2080 East Flamingo Road, Room 114, Las Vegas, Nevada.** The purpose of the Workshop is to solicit comments from interested persons on the following general topics to be addressed in a proposed regulation:

**10:15 A.M. Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.582 – Selection of assessments to determine extent to which learning goals of pupils were achieved; monitoring of assessments; modifications.**

A copy of all materials relating to the proposal may be obtained at the workshop, on the Nevada Department of Education Regulation Workshops and Public hearings [Meeting Materials](#) page, by contacting Dylan Fuson, Board Secretary, Nevada Department of Education, via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov), by telephone at 775-687-9224 or in person at the Nevada Department of Education, 700 E. 5<sup>th</sup> St, Carson City, Nevada. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony, submit written comment to the Department via email at [NVBoardEd@doe.nv.gov](mailto:NVBoardEd@doe.nv.gov), or submit their comments, data, views, or arguments in written form to the Nevada Department of Education, 700 E. 5<sup>th</sup> St, Carson City, Nevada. Comments may be submitted via email leading up to and for the duration of the workshop, and those submitted via mail must be received by the Department on or before Friday, February 25, 2022.

This notice has been sent to all persons on the agencies mailing list for administrative regulations and posted on the Nevada Department of Education's website at <https://doe.nv.gov>, Nevada's Public Notice site at <https://notice.nv.gov>, the Nevada State Legislature's webpage at <https://leg.state.nv.us>, and physically at the Nevada Department of Education Offices and with Nevada State Library and Archives. Copies of this notice will also be emailed and/or mailed to members of the public upon request.

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**SMALL BUSINESS IMPACT STATEMENT**  
**PURSUANT TO NRS 233B.0608**

**DATE:** February 28, 2022

**RE:** Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391.582 – Selection of assessments to determine extent to which learning goals of pupils were achieved; monitoring of assessments; modifications.

I, Jhone M. Ebert, being the duly appointed Superintendent of Public Instruction of the Nevada Department of Education, do hereby certify, to the best of my knowledge or belief:

1. The proposed regulation regarding selection and monitoring of assessments is not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation or expansion of a small business.
2. A concerted effort was made to determine any economic burden.
3. All relevant materials were reviewed, and the Department considered its history with implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement.
4. Comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by this regulation and thus no burden or adverse economic impact can be assessed.

I hereby further certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Jhone M. Ebert".

Jhone M. Ebert  
Superintendent of Public Instruction

**PROPOSED REGULATION OF THE  
STATE BOARD OF EDUCATION**

**LCB File No. R112-20**

July 2, 2021

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

AUTHORITY: § 1, NRS 385.080, 391.465 and 391.480.

A REGULATION relating to education; removing requirements to use certain assessments of learning goals; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Education to adopt regulations establishing a statewide performance evaluation system. (NRS 391.465) Existing regulations require a school or school district to use an assessment to determine whether learning goals have been achieved by pupils that has previously been approved by the Department of Education, if practicable. (NAC 391.582) This regulation removes that requirement.

**Section 1.** NAC 391.582 is hereby amended to read as follows:

391.582 1. The criteria for determining which assessments a school or school district may use to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of NRS 391.480 are:

(a) The degree to which the assessment aligns with:

(1) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and

(2) Curriculum and instruction required for the standards adopted by the State Board;

(b) Whether the assessment is appropriately rigorous to determine pupil achievement in the intended subject areas; and

(c) The validity and reliability of the assessment.

2. A school or school district that uses an assessment to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of NRS 391.480 shall continually monitor the use of the assessment to ensure:

(a) The reliability and validity of the assessment;

(b) That the assessment is scored accurately in a manner that produces results that allow the comparison of pupils, classes or schools; and

(c) The security of the assessment.

~~3. If practicable, a school or school district shall use an assessment that has previously been approved by the Department pursuant to subsection 3 of NRS 391.480 to determine the extent to which the learning goals of pupils were achieved pursuant to subsection 5 of NRS 391.480.~~

~~—4.— If no assessment described in subsection 3 effectively determines the extent to which the learning goals of pupils were achieved:~~

~~—(a) If practicable, a school or school district shall use a modified version of an assessment described in subsection 3 to determine the extent to which the learning goals of pupils were achieved; and~~

~~—(b) If it is not practicable to use an assessment described in paragraph (a) to determine the extent to which the learning goals of pupils were achieved, a school or school district shall develop a new assessment to determine the extent to which the learning goals of pupils were achieved. Such an assessment must be:~~

~~—(1) Reviewed by experts to determine the validity of the assessment; and~~

~~—(2) Scored using a documented protocol that produces high reliability.~~

~~—5.—~~ As used in this section:

(a) “Reliability” means the degree to which the results of the assessment are reproducible in similar circumstances; and

(b) “Validity” means the degree to which an assessment measures pupil achievement in the intended subject area.