

Joe Lombardo
Governor

Steve Canavero, Ph.D.
Interim Superintendent
of Public Instruction



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STATE OF NEVADA
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Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada Department of Education is proposing new and/or amended regulatory language within the Nevada Administrative Code (NAC). A workshop has been scheduled for **Monday, October 20, 2025**, available to stream online via [YouTube](#) or attend at the following locations: Nevada Department of Education Offices, 700 E. Fifth Street, Board Room, Carson City and 2080 E. 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:

9:04 AM Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 390.XXX regarding time used for administering and preparing for assessments.

A copy of all materials relating to the proposal may be obtained at the workshop, on the [NDE website](#), or by contacting the Nevada Department of Education via email at NVBoardEd@doe.nv.gov. Persons wishing to comment upon the proposed action of the Department may provide in-person testimony or submit written comment via email at NVBoardEd@doe.nv.gov. Comments may be submitted via email leading up to and for the duration of the workshop.

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 to members of the public upon request.

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SMALL BUSINESS IMPACT STATEMENT
PURSUANT TO NRS 233B.0608

DATE: October 20, 2025

RE: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 390.XXX.

The proposed regulation regarding the time used for administering and preparing assessments is not likely to impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation or expansion of a small business. A concerted effort was made to determine any economic burden. All relevant materials were reviewed, and the Department considered its history of implementing similar regulations; the proposed changes are within the scope of the Department's activities and present no significant cost of enforcement. 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, Steve Canavero, Interim Superintendent of Public Instruction, 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 is accurate.

A handwritten signature in blue ink, appearing to read "Steve Canavero".

Dr. Steve Canavero
Interim Superintendent of Public Instruction
Nevada Department of Education

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 instruction to 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)

This regulation requires the board of trustees of each school district and the governing body of each charter school to ensure that, unless a waiver is approved by the State Board: (1) the total number of minutes spent during a school year conducting examinations and assessments of pupils enrolled in the school district or charter school, as applicable, does not exceed 3.5 percent of the total number of minutes of instructional time in the school year; and (2) the number of examinations and assessments administered to pupils enrolled in the school district or charter school, as applicable, does not exceed five. Under this regulation, the examinations and assessments that are subject to these limits: (1) are examinations and assessments required to be administered to pupils by state or federal law or by the board of trustees of a school district or the governing body of a charter school on a district-wide or school-wide basis; and (2) do not include examinations and assessments administered to pupils as a result of participation of the pupils in an advanced placement course, a program of career and technical education or an international baccalaureate course.

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

1. 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 2 of NRS 390.805:

(a) The total number of minutes spent during a school year 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 minutes of instructional time during the school year.

(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. For the purposes of this section:

(a) Except as otherwise provided in this paragraph, an “examination or assessment” is any examination or assessment that is required to be administered to pupils by:

(1) That are necessary to comply with the requirements of 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);

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

(I) An advanced placement course;

(II) An international baccalaureate course;

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

(IV) 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

(3) 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.