

**ADOPTED REGULATION OF THE
STATE BOARD OF EDUCATION**

LCB File No. R061-14

§§1, 3, 4, 6-18, 20, 22, 24, 27, 29, 31, 33, 36, 38-41, 43, 44, 46,
48 and 50, subsection 1 of §54 and §55 become effective on December 22, 2014;
§53 becomes effective on January 1, 2015; and
§§2, 5, 19, 21, 23, 25, 26, 28, 30, 32, 34, 35, 37, 42, 45, 47, 49, 51 and 52 and subsection 2 of
§54 become effective on the date on which the high school proficiency examination is no longer
administered pursuant to sections 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of
Nevada 2013, at page 3296

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

AUTHORITY: §1, NRS 385.080, 386.5515 and 389.805 and section 44 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3295; §2, NRS 385.080 and 386.5515; §§3, 6, 8, 15, 54 and 55, NRS 385.080; §4, NRS 385.080, 388.874 and 389.805 and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296; §5, NRS 385.080, 388.874 and 389.805; §§7, 10-14, 42, 52 and 53, NRS 385.080 and 389.805; §9, NRS 385.080, 389.805 and 389.807; §16, 17, 38-41 and 43, NRS 385.080 and 389.805 and sections 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3295; §§18 and 24, NRS 385.080, 389.550, 389.805 and 389.807 and sections 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3295; §§19 and 25, NRS 385.080, 389.550, 389.805 and 389.807; §§20, 22, 27, 29 and 31, NRS 385.080, 389.550 and 389.805 and sections 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3295; §§21, 23, 28, 30, 32 and 36, NRS 385.080, 389.550 and 389.805; §§26, 34 and 35, NRS 385.080 and 389.550; §33, NRS 385.080 and 389.550 and sections 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3295; §37, NRS 385.080 and 385.110; §§44 and 46, NRS 385.080, 385.110, 389.018 and 389.805 and sections 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3295; §§45 and 47, NRS 385.080, 385.110, 389.018 and 389.805; §§48, 49 and 51, NRS 385.080, 385.110 and 389.805; §50, NRS 385.080, 385.110 and 389.805 and sections 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3295.

A REGULATION relating to education; providing for the eligibility of certain pupils to take a college and career readiness assessment; requiring certain pupils to pass end-of-course examinations in specified subject areas; providing, on an interim basis, for the continued administration of the high school proficiency examination; repealing provisions relating to certificates of attendance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Assembly Bill No. 288 of the 2013 Legislative Session requires the State Board of Education to select a college and career readiness assessment to be administered to pupils in grade 11 in public high schools, beginning with the 2014-2015 school year. (Section 19 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3268; NRS 389.807) If a pupil has an academic plan which projects that the pupil will graduate from high school before he or she would otherwise become eligible to take the assessment, **section 9** of this regulation permits the pupil to submit a written request to take the assessment to the superintendent of schools of the school district or the governing body of the charter school in which the pupil is enrolled.

As another condition of receiving a high school diploma, also beginning with the 2014-2015 school year, Assembly Bill No. 288 provides that a pupil must pass at least four end-of-course examinations in courses of study prescribed by the State Board. (Section 33 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at pages 3278-79; NRS 389.805) **Section 10** of this regulation prescribes the required end-of-course examinations for pupils scheduled to graduate at the end of the 2016-2017 school year and thereafter. For pupils scheduled to graduate at the end of the 2016-2017 and 2017-2018 school years, **section 10** also provides that such a pupil will be deemed to have passed an end-of-course examination if he or she obtains at least the passing score published for the examination by the Department of Education or passes the related course and makes a reasonable attempt to complete the examination. **Sections 13 and 14** of this regulation, respectively, require each school district and charter school to provide remedial study to any pupil who fails an end-of-course examination. **Sections 4, 18, 24, 29, 31 and 41** of this regulation amend various existing regulations relating to the administration of achievement and proficiency examinations to make them applicable to end-of-course examinations and the college and career readiness assessment, as applicable.

Assembly Bill No. 288 generally eliminates the requirement that pupils take and pass the high school proficiency examination to graduate from high school, but authorizes the State Board to continue to provide for the administration of the examination to pupils in grade 12 through the 2015-2016 school year. (Sections 33, 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at pages 3278, 3295 and 3296, respectively) Pursuant to that grant of authority, **sections 1, 16-18, 20, 22, 24, 29, 31, 33, 38, 43, 44, 46, 48 and 50** of this regulation amend existing regulations relating to the examination, with those provisions to remain in effect while the examination continues to be administered. Effective on the date that the examination is no longer administered, **sections 2, 5, 19, 21, 23, 25, 26, 28, 30, 32, 34, 35, 37, 42, 45, 47, 49 and 51** of this regulation delete references to the examination, while subsection 2 of **section 54** of this regulation repeals existing regulations that will be entirely obsolete. **Sections 38-40** of this regulation provide an alternate means by which certain pupils who fail to pass portions of the examination may receive a standard high school diploma.

Finally, Assembly Bill No. 288 prohibits the issuance of a certificate of attendance to a pupil who does not satisfy the requirements to receive a standard high school diploma. (Section 33 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3278; NRS 389.805) Subsection 1 of **section 54** repeals existing regulations relating to the issuance of a certificate of attendance.

Section 1. NAC 386.412 is hereby amended to read as follows:

386.412 1. A charter school “has demonstrated improvement in the achievement of pupils enrolled in the charter school” for the purposes of paragraph (c) of subsection 1 of NRS 386.5515 if the number of pupils enrolled in the charter school who are categorized as emergent or developing pupils is reduced for the most recent testing cycle by not less than 10 percent of the number of pupils who were categorized as emergent or developing pupils in the immediately preceding school year. The reduction of the number of pupils who are categorized as emergent or developing pupils must be measured for all subject areas required to be tested pursuant to state or federal law . ~~for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 enrolled in the charter school, regardless of the size of the group.~~

2. For the purposes of paragraph (d) of subsection 1 of NRS 386.5515:

(a) A pupil has ~~passed the high school proficiency examination~~ *satisfied the criteria prescribed by the State Board pursuant to NRS 389.805* if the pupil has passed each subject area of ~~that~~ *the high school proficiency* examination.

(b) The percent of pupils enrolled in the charter school who have passed the high school proficiency examination must be determined based upon the test scores of pupils who were enrolled in grade 12 in the immediately preceding school year and were required to take the high school proficiency examination.

3. A charter school that wishes to submit to a performance audit one time every 3 years rather than every year shall submit to the sponsor of the charter school documentation sufficient to demonstrate that the charter school satisfies the requirements of subsection 1 of NRS 386.5515 and is eligible for a waiver from the annual performance audit. The documentation must be submitted to the sponsor of the charter school not later than November 15 of the first

school year in which the charter school is eligible for the waiver. The sponsor of the charter school shall determine whether the charter school satisfies the requirements of subsection 1 of NRS 386.5515 and shall provide written notice to the charter school of its determination on or before December 15 of the year in which documentation is submitted by the charter school pursuant to this subsection.

4. As used in this section, “performance audit” means the report of compliance required pursuant to NAC 386.410.

Sec. 2. NAC 386.412 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

386.412 1. A charter school “has demonstrated improvement in the achievement of pupils enrolled in the charter school” for the purposes of paragraph (c) of subsection 1 of NRS 386.5515 if the number of pupils enrolled in the charter school who are categorized as emergent or developing pupils is reduced for the most recent testing cycle by not less than 10 percent of the number of pupils who were categorized as emergent or developing pupils in the immediately preceding school year. The reduction of the number of pupils who are categorized as emergent or developing pupils must be measured for all subject areas required to be tested pursuant to state or federal law.

2. ~~{For the purposes of paragraph (e) of subsection 1 of NRS 386.5515:~~
~~—(a) A pupil has satisfied the criteria prescribed by the State Board pursuant to NRS 389.805 if the pupil has passed each subject area of the high school proficiency examination.~~
~~—(b) The percent of pupils enrolled in the charter school who have passed the high school proficiency examination must be determined based upon the test scores of pupils who were enrolled in grade 12 in the immediately preceding school year and were required to take the high school proficiency examination.~~

~~—3.1~~ A charter school that wishes to submit to a performance audit one time every 3 years rather than every year shall submit to the sponsor of the charter school documentation sufficient to demonstrate that the charter school satisfies the requirements of subsection 1 of NRS 386.5515 and is eligible for a waiver from the annual performance audit. The documentation must be submitted to the sponsor of the charter school not later than November 15 of the first school year in which the charter school is eligible for the waiver. The sponsor of the charter school shall determine whether the charter school satisfies the requirements of subsection 1 of NRS 386.5515 and shall provide written notice to the charter school of its determination on or before December 15 of the year in which documentation is submitted by the charter school pursuant to this subsection.

~~14.1~~ 3. As used in this section, “performance audit” means the report of compliance required pursuant to NAC 386.410.

Sec. 3. NAC 388.676 is hereby amended to read as follows:

388.676 1. The Statewide Program of Education for Incarcerated Persons is hereby established pursuant to NRS 388.575.

2. The Statewide Program and each program of education must:

- (a) Be operated in accordance with the standards prescribed in NAC 387.190 and subsections 1, 2 and 3 of NAC 387.330 for an adult high school program;
- (b) Comply with the applicable standards adopted by the State Board of Education; and
- (c) Comply with the requirements for an adult standard diploma set forth in NAC 389.688 to ~~389.699,1~~ 389.698, inclusive.

3. An incarcerated person is eligible for participation in a program of education if he or she:

- (a) Is:

(1) Eighteen years of age or older; or

(2) Less than 18 years of age and is excluded from the jurisdiction of a juvenile court pursuant to NRS 62B.330 or is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400;

(b) Has not graduated from a high school; and

(c) Is not currently enrolled in a high school.

4. A facility or institution operated by the Department of Corrections that offers a program of education shall use the Comprehensive Adult Student Assessment System to evaluate and determine the placement of incarcerated persons in a program of education.

Sec. 4. NAC 388.830 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

388.830 1. The Department shall engage in the process of reviewing applications for programs of distance education not less than once per year. An application must be received by the Department from the board of trustees of a school district or a governing body of a charter school on or before January 15 for consideration of a program that will begin operation in the immediately succeeding school year. An application must be received by the Department from a committee to form a new charter school on or before September 1 for a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application. An application must include:

(a) The name of the school district or charter school submitting the application;

(b) The date on which the board of trustees of the school district, the governing body of the charter school or the committee to form a charter school, as applicable, reviewed and approved the application;

(c) The original signature of the president of the board of trustees, or his or her designee, a member of the governing body of the charter school or a member of the committee to form a charter school, as applicable, indicating approval of the application;

(d) The name, address and telephone number of the person who will administer the program of distance education;

(e) A list designating each course of distance education that will be offered through the program;

(f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of each course, including, without limitation, the title of the course and the name of the provider of the course of distance education;

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

(h) A description of the manner by which the school district or charter school will document the attendance and participation of each pupil who is enrolled in a course offered through the program, consistent with the provisions of NAC 387.193 and 387.294;

(i) A description of the criteria that will be used to enroll pupils in the program, including, without limitation, the manner by which the eligibility of each pupil for enrollment will be determined and documented in compliance with NRS 388.850;

(j) A description of the plan for assessing the academic achievement of pupils who are enrolled in the program, which must include, without limitation, the administration of the

~~{achievement and proficiency}~~ examinations required by NRS ~~{389.015 and}~~ 389.550 ~~{,}~~ *and 389.805 and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296;*

(k) A description of the manner by which the school district or charter school will document the completion of a course by a pupil enrolled in the program and award credit to each pupil who completes a course; and

(l) A description of the manner by which the school district or charter school will monitor the progress of each pupil enrolled in the program, including, without limitation:

(1) A method for identifying pupils who are experiencing difficulty with completing assignments or who are otherwise not demonstrating satisfactory progress; and

(2) The assistance or support that will be provided to pupils identified pursuant to subparagraph (1) in addition to any assistance or support offered by the provider of the course of distance education.

3. If a school district or charter school submits an application pursuant to this section to provide a program of distance education and the application is approved, the school district or charter school is not required to submit a separate application pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department. If the application is denied by the Department, the applicant may

appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application upon appeal.

5. Except as otherwise provided in this subsection and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for 3 years after the date of approval.

6. The Department shall prescribe the form for the renewal of an application. To continue providing a program of distance education, the provider of the program must submit an application for renewal to the Department at least 60 days before the expiration of the approval. If the Department approves a program of distance education submitted by a committee to form a new charter school and the committee's application to form a charter school is denied by the Department, the board of trustees of a school district or the State Board of Education, as applicable, the approval of the program of distance education is automatically revoked and the procedure for revocation set forth in NAC 388.860 does not apply.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A school district or charter school shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Sec. 5. NAC 388.830 is hereby amended to read as follows:

388.830 1. The Department shall engage in the process of reviewing applications for programs of distance education not less than once per year. An application must be received by the Department from the board of trustees of a school district or a governing body of a charter school on or before January 15 for consideration of a program that will begin operation in the immediately succeeding school year. An application must be received by the Department from a committee to form a new charter school on or before September 1 for a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application. An application must include:

- (a) The name of the school district or charter school submitting the application;
- (b) The date on which the board of trustees of the school district, the governing body of the charter school or the committee to form a charter school, as applicable, reviewed and approved the application;
- (c) The original signature of the president of the board of trustees, or his or her designee, a member of the governing body of the charter school or a member of the committee to form a charter school, as applicable, indicating approval of the application;
- (d) The name, address and telephone number of the person who will administer the program of distance education;
- (e) A list designating each course of distance education that will be offered through the program;
- (f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of each course, including, without limitation, the title of the course and the name of the provider of the course of distance education;

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

(h) A description of the manner by which the school district or charter school will document the attendance and participation of each pupil who is enrolled in a course offered through the program, consistent with the provisions of NAC 387.193 and 387.294;

(i) A description of the criteria that will be used to enroll pupils in the program, including, without limitation, the manner by which the eligibility of each pupil for enrollment will be determined and documented in compliance with NRS 388.850;

(j) A description of the plan for assessing the academic achievement of pupils who are enrolled in the program, which must include, without limitation, the administration of the examinations required by NRS 389.550 and 389.805 ; ~~and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296;~~

(k) A description of the manner by which the school district or charter school will document the completion of a course by a pupil enrolled in the program and award credit to each pupil who completes a course; and

(l) A description of the manner by which the school district or charter school will monitor the progress of each pupil enrolled in the program, including, without limitation:

(1) A method for identifying pupils who are experiencing difficulty with completing assignments or who are otherwise not demonstrating satisfactory progress; and

(2) The assistance or support that will be provided to pupils identified pursuant to subparagraph (1) in addition to any assistance or support offered by the provider of the course of distance education.

3. If a school district or charter school submits an application pursuant to this section to provide a program of distance education and the application is approved, the school district or charter school is not required to submit a separate application pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department. If the application is denied by the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application upon appeal.

5. Except as otherwise provided in this subsection and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for 3 years after the date of approval.

6. The Department shall prescribe the form for the renewal of an application. To continue providing a program of distance education, the provider of the program must submit an application for renewal to the Department at least 60 days before the expiration of the approval. If the Department approves a program of distance education submitted by a committee to form a new charter school and the committee's application to form a charter school is denied by the Department, the board of trustees of a school district or the State Board of Education, as

applicable, the approval of the program of distance education is automatically revoked and the procedure for revocation set forth in NAC 388.860 does not apply.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A school district or charter school shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Sec. 6. Chapter 389 of NAC is hereby amended by adding thereto the provisions set forth as sections 7 to 14, inclusive, of this regulation.

Sec. 7. *“End-of-course examination” means an examination required by NRS 389.805 and section 10 of this regulation.*

Sec. 8. *“Graduating cohort” means a group of pupils who, as of the date on which they begin high school, are scheduled to graduate from high school at the end of a specified school year.*

Sec. 9. 1. *Except as otherwise provided in subsection 2, a pupil is eligible to take the college and career readiness assessment administered pursuant to NRS 389.807 if the pupil has completed at least 11 units of credit or 4 semesters of high school.*

2. If a pupil has an academic plan which projects that the pupil will graduate from high school before becoming eligible to take the college and career readiness assessment pursuant to subsection 1, the pupil may submit a written request to take the assessment to the

superintendent of schools of the school district or the governing body of the charter school in which the pupil is enrolled.

Sec. 10. 1. *A pupil in the graduating cohort of 2017 or 2018 must not be given a standard high school diploma until the pupil has passed:*

- (a) The Nevada End-Of-Course Examination in Mathematics I;*
- (b) The Nevada End-Of-Course Examination in Mathematics II;*
- (c) The Nevada End-Of-Course Examination in English Language Arts I; and*
- (d) The Nevada End-Of-Course Examination in English Language Arts II.*

2. For the purposes of subsection 1, a pupil shall be deemed to have passed an end-of-course examination if the pupil obtains at least the passing score published for the examination by the Department or:

- (a) Passes the course with which the examination is aligned, in accordance with any established grading policy of the school district or charter school, as applicable; and*
- (b) Takes and makes a reasonable attempt to complete the examination.*

3. A pupil in the graduating cohort of 2019 or any year thereafter must not be given a standard high school diploma until the pupil has passed:

- (a) The Nevada End-Of-Course Examination in Mathematics I;*
- (b) The Nevada End-Of-Course Examination in Mathematics II;*
- (c) The Nevada End-Of-Course Examination in English Language Arts;*
- (d) The Nevada End-Of-Course Examination in Science; and*
- (e) The end-of-course examination in each additional subject area for which the State Board has adopted the common core standards.*

4. Each edition of an end-of-course examination must be based upon the standards of content and performance established for the applicable course of study pursuant to NRS 389.520.

Sec. 11. *1. Except as otherwise provided in this subsection, immediately preceding each school year and for each end-of-course examination, the Department will:*

(a) On or before June 1, publish the standards for the examination; and

(b) On or before July 15, publish the passing grade for the examination.

↪ For the 2014-2015 school year, the Department will publish the standards and passing score for each end-of-course examination on or before the dates established by the Superintendent of Public Instruction.

2. Except as otherwise provided in this subsection, each school district and charter school shall, on or before July 1 of each year and for each course for which an end-of-course examination is approved, submit to the Department:

(a) The titles and corresponding codes of the course; and

(b) An alignment chart which demonstrates that the pupils enrolled in the course will receive instruction in accordance with the standards of content and performance established for that course pursuant to NRS 389.520.

↪ For the 2014-2015 school year, each school district and charter school shall submit the information required by this subsection to the Department on or before the date established by the Superintendent of Public Instruction. The Superintendent will give each school district and charter school written notice of that date.

3. Except as otherwise provided in this subsection, the Department will review the information described in subsection 2 and, on or before August 1 of each year, give written

notice to the school district or charter school, as applicable, of the end-of-course examination approved for each course for which the school district or charter school submitted the information. For the 2014-2015 school year, the Department will give the notice required by this subsection on or before the date established by the Superintendent of Public Instruction.

Sec. 12. After entering grade 7, a pupil who is enrolled in or has completed each course for which an end-of-course examination is approved pursuant to section 11 of this regulation is eligible to take the examination.

Sec. 13. 1. Each school district shall provide remedial study to each pupil enrolled in a public school in the district who fails an end-of-course examination.

2. Each school district shall develop a plan to provide the remedial study described in subsection 1. The plan must prescribe an appropriate amount of remedial study, as determined by the teacher of the course with which the examination is aligned, the public school, or both, for each end-of-course examination.

3. Not later than July 1, each school district shall submit to the Department the plan developed pursuant to subsection 2.

4. Not later than 45 days after the Department receives a plan submitted pursuant to subsection 3 or resubmitted pursuant to subsection 5, the Department will review the plan and:

- (a) Approve the plan and provide notice to the school district that the plan is approved; or*
- (b) Return the plan to the school district with recommendations for revision.*

5. If the Department returns a plan to a school district pursuant to paragraph (b) of subsection 4, the school district shall, within 20 days after it receives the plan, revise and resubmit the plan to the Department. A plan may be revised and resubmitted until it is approved.

6. A school district shall not charge a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the location where the remedial study is provided.

7. The remedial study described in subsection 1 may be offered:

(a) During the regular school day;

(b) During summer school;

(c) During intersession school; or

(d) As part of a program that is offered before or after the regular school day.

Sec. 14. *1. Each charter school shall provide remedial study to each pupil enrolled in the charter school who fails an end-of-course examination.*

2. The governing body of each charter school shall develop a plan to provide the remedial study described in subsection 1. The plan must prescribe an appropriate amount of remedial study, as determined by the teacher of the course with which the examination is aligned, the governing body of the charter school, or both, for each end-of-course examination.

3. Not later than July 1, the governing body of each charter school shall submit to the sponsor of the charter school the plan developed pursuant to subsection 2.

4. Not later than 45 days after a sponsor of the charter school receives a plan submitted pursuant to subsection 3 or resubmitted pursuant to subsection 5, the sponsor shall review the plan and:

(a) Approve the plan and provide notice to the governing body of the charter school that the plan is approved; or

(b) Return the plan to the governing body of the charter school with recommendations for revision.

5. If the sponsor of a charter school returns a plan to the governing body of the charter school pursuant to paragraph (b) of subsection 4, the governing body shall, within 20 days after it receives the plan, revise and resubmit the plan to the sponsor of the charter school. A plan may be revised and resubmitted until it is approved.

6. A charter school shall not charge a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the location where the remedial study is provided.

7. The remedial study described in subsection 1 may be offered:

(a) During the regular school day;

(b) During summer school;

(c) During intersession school; or

(d) As part of a program offered before or after the regular school day.

Sec. 15. NAC 389.011 is hereby amended to read as follows:

389.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 389.015 to 389.043, inclusive, *and sections 7 and 8 of this regulation* have the meanings ascribed to them in those sections.

Sec. 16. NAC 389.027 is hereby amended to read as follows:

389.027 “High school proficiency examinations” means the criterion-referenced examinations that:

1. Are administered to pupils in this State ~~{before the completion of grade 10}~~ pursuant to ~~{NRS 389.015;}~~ *section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296; and*

2. ~~{Are administered to pupils in this State before the completion of grade 11 pursuant to NRS 389.015 and 389.550; and~~

~~—3.}~~ Pupils *in the graduating cohorts of 2014, 2015 and 2016* must pass to receive a standard high school diploma.

Sec. 17. NAC 389.048 is hereby amended to read as follows:

389.048 1. Except as otherwise provided in subsection 2, to determine the eligibility of a pupil *in the graduating cohort of 2014, 2015 or 2016* who has completed at least grade 9 to take the high school proficiency examinations, the pupil shall be deemed in:

- (a) Grade 10 if the pupil has completed at least 5 units of credit or 2 semesters of high school.
- (b) Grade 11 if the pupil has completed at least 11 units of credit or 4 semesters of high school.
- (c) Grade 12 if the pupil has completed at least 17 units of credit or 6 semesters of high school.

2. If a pupil *in the graduating cohort of 2014, 2015 or 2016* has an academic plan which projects that the pupil will graduate from high school before the pupil is granted the number of opportunities to take the high school proficiency examinations that is otherwise granted to pupils in grades 11 and 12, the pupil may submit a written request to the superintendent of schools of the school district in which the pupil is enrolled or the governing body of the charter school in which the pupil is enrolled to take the high school proficiency examinations for the first time before the pupil has earned the 5 units of credit or completed the 2 semesters of high school required for grade 10.

Sec. 18. NAC 389.051 is hereby amended to read as follows:

389.051 1. Except as otherwise provided in subsection 2, the board of trustees of each school district and the governing body of each charter school, respectively, shall administer the examinations *and assessment* required by NRS ~~{389.015 and}~~ 389.550 , *389.805 and 389.807 and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,* in each public school in that district and each charter school which has the appropriate grades at the following times:

(a) For grades 3 through 8, the criterion-referenced examinations in reading and mathematics as provided in NAC 389.061 must be administered in the spring semester on the dates specified by the Department . ~~{of Education-}~~

(b) For grades 5 and 8, the criterion-referenced examinations in writing and science must be administered in the spring semester on the dates specified by the Department . ~~{of Education-}~~

(c) For *pupils in the graduating cohorts of 2015 and 2016 who are enrolled in* grade 11, the high school proficiency examination in writing must be administered in the fall and spring semesters on the dates specified by the Department . ~~{of Education-}~~

(d) *For pupils in grade 11, the college and career readiness assessment must be administered in the spring semester on the dates specified by the Department.*

(e) For *pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in* grade 12 and for adults, the high school proficiency examination in writing must be administered in:

- (1) The spring semester;
- (2) The summer months; and
- (3) The fall semester,

↪ on the respective dates specified by the Department . ~~{of Education-}~~

~~—(e)~~ (f) For *pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in* grade 12 and for adults, the high school proficiency examination in writing may be administered, upon the direction of the Department, ~~{of Education,}~~ to those pupils who have not yet passed the examination, on a date specified by the Department which must be approximately 4 weeks before the date of graduation.

~~{(f)}~~ (g) For *pupils in the graduating cohort of 2016 who are enrolled in* grade 10, the high school proficiency examinations in reading, mathematics and science must be administered in the spring semester on the dates specified by the Department. ~~{of Education.}~~

~~—(g)~~ (h) For *pupils in the graduating cohorts of 2015 and 2016 who are enrolled in* grade 11, the high school proficiency examinations in reading, mathematics and science must be administered in:

- (1) The spring semester; and
- (2) The fall semester,

↪ on the respective dates specified by the Department. ~~{of Education.}~~

~~—(h)~~ (i) For *pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in* grade 12 and for adults, the high school proficiency examinations in reading, mathematics and science must be administered in:

- (1) The spring semester;
- (2) The summer months; and
- (3) The fall semester,

↪ on the respective dates specified by the Department. ~~{of Education.}~~

~~—(i)~~ (j) For *pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in* grade 12 and for adults, the high school proficiency examinations in reading, mathematics and

science may be administered, upon the direction of the Department , ~~of Education,~~ to those pupils who have not yet passed one or more of those examinations, on the dates specified by the Department, which must be approximately 4 weeks before the date of graduation.

(k) Except as otherwise provided in this paragraph, for pupils in the graduating cohort of 2017 or any year thereafter who are enrolled in courses for which end-of-course examinations are approved pursuant to section 11 of this regulation, those examinations must be administered in the spring semester on the dates specified by the Department. For any pupil who fails an end-of-course examination, the examination must be administered again to the pupil during the summer months on the dates specified by the Department.

2. Not later than May 1 of each year, the board of trustees of a school district in which a school with a 12-month school program is located or the governing body of a charter school with a 12-month school program shall, if pupils who attend the school are not expected to be in session on one of the dates prescribed in subsection 1 for the administration of an examination, consult with the Assessment, Program Accountability and Curriculum Office of the Department ~~of Education~~ to establish another date for the administration of that examination. Not later than June 1 of that year, the Assessment, Program Accountability and Curriculum Office shall provide the board of trustees or the governing body of a charter school with written confirmation of the date agreed upon pursuant to this subsection.

3. The Department ~~of Education~~ may schedule a special administration of any examination required to be passed for graduation if:

- (a) The person taking the examination is a pupil enrolled in grade 12;
- (b) The person, through no fault on the part of the person, was not able to take the examination at its most recent administration; and

(c) No regular administration of the examination is scheduled before the date on which the person is otherwise eligible to graduate.

Sec. 19. NAC 389.051 is hereby amended to read as follows:

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389.051 1. Except as otherwise provided in subsection 2, the board of trustees of each school district and the governing body of each charter school, respectively, shall administer the examinations and assessment required by NRS 389.550, 389.805 and 389.807 ~~{and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,}~~ in each public school in that district and each charter school which has the appropriate grades . ~~{at the following times:}~~ *Except as otherwise provided in this subsection, the examinations and assessment must be administered in the spring semester on the dates specified by the Department, as follows:*

(a) For grades 3 through 8, the criterion-referenced examinations in reading and mathematics as provided in NAC 389.061 . ~~{must be administered in the spring semester on the dates specified by the Department.}~~

(b) For grades 5 and 8, the criterion-referenced examinations in writing and science . ~~{must be administered in the spring semester on the dates specified by the Department.}~~

(c) ~~{For pupils in the graduating cohorts of 2015 and 2016 who are enrolled in grade 11, the high school proficiency examination in writing must be administered in the fall and spring semesters on the dates specified by the Department.}~~

~~—(d) For pupils in grade 11, the college and career readiness assessment . {must be administered in the spring semester on the dates specified by the Department.}~~

~~—(e) For pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in grade 12 and for adults, the high school proficiency examination in writing must be administered in:~~

~~——(1) The spring semester;~~

~~—— (2) The summer months; and~~

~~—— (3) The fall semester;~~

~~➔ on the respective dates specified by the Department.~~

~~—— (f) For pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in grade 12 and for adults, the high school proficiency examination in writing may be administered, upon the direction of the Department, to those pupils who have not yet passed the examination, on a date specified by the Department which must be approximately 4 weeks before the date of graduation.~~

~~—— (g) For pupils in the graduating cohort of 2016 who are enrolled in grade 10, the high school proficiency examinations in reading, mathematics and science must be administered in the spring semester on the dates specified by the Department.~~

~~—— (h) For pupils in the graduating cohorts of 2015 and 2016 who are enrolled in grade 11, the high school proficiency examinations in reading, mathematics and science must be administered in:~~

~~—— (1) The spring semester; and~~

~~—— (2) The fall semester;~~

~~➔ on the respective dates specified by the Department.~~

~~—— (i) For pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in grade 12 and for adults, the high school proficiency examinations in reading, mathematics and science must be administered in:~~

~~—— (1) The spring semester;~~

~~—— (2) The summer months; and~~

~~—— (3) The fall semester;~~

~~➔ on the respective dates specified by the Department.~~

~~—(j) For pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in grade 12 and for adults, the high school proficiency examinations in reading, mathematics and science may be administered, upon the direction of the Department, to those pupils who have not yet passed one or more of those examinations, on the dates specified by the Department, which must be approximately 4 weeks before the date of graduation.~~

~~—(k)~~ **(d)** Except as otherwise provided in this paragraph, for pupils ~~in the graduating cohort of 2017 or any year thereafter~~ who are enrolled in courses for which end-of-course examinations are approved pursuant to section 11 of this regulation, those examinations . ~~must be administered in the spring semester on the dates specified by the Department.~~ For any pupil who fails an end-of-course examination, the examination must be administered again to the pupil during the summer months on the dates specified by the Department.

2. Not later than May 1 of each year, the board of trustees of a school district in which a school with a 12-month school program is located or the governing body of a charter school with a 12-month school program shall, if pupils who attend the school are not expected to be in session on one of the dates prescribed in subsection 1 for the administration of an examination, consult with the Assessment, Program Accountability and Curriculum Office of the Department to establish another date for the administration of that examination. Not later than June 1 of that year, the Assessment, Program Accountability and Curriculum Office shall provide the board of trustees or the governing body of a charter school with written confirmation of the date agreed upon pursuant to this subsection.

3. The Department may schedule a special administration of any examination required to be passed for graduation if:

(a) The person taking the examination is a pupil enrolled in grade 12;

(b) The person, through no fault on the part of the person, was not able to take the examination at its most recent administration; and

(c) No regular administration of the examination is scheduled before the date on which the person is otherwise eligible to graduate.

Sec. 20. NAC 389.0515 is hereby amended to read as follows:

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389.0515 1. An examination that is administered to assess the achievement and proficiency of pupils in this State must:

(a) If the examination is administered pursuant to NRS 389.550, measure the achievement and proficiency of pupils in the standards of content established by the Council to Establish Academic Standards for Public Schools, as adopted by the State Board ~~of Education~~ pursuant to NRS 389.520;

(b) If the examination is administered pursuant to ~~NRS 389.015~~ *section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296*, in any grade, measure the achievement and proficiency of pupils in ~~the subjects set forth in subsection 1 of NRS 389.015~~ *reading, mathematics, science and writing* and in the standards of content established by the Council to Establish Academic Standards for Public Schools, as adopted by the State Board ~~of Education~~ pursuant to NRS 389.520;

(c) *If the examination is an end-of-course examination, measure the achievement and proficiency of pupils in the subjects set forth in subsection 1 of NRS 389.018 and section 10 of this regulation;*

(d) Be designed so that data relating to past and future trends of the examination scores of pupils may be compiled;

~~[(d)]~~ (e) Measure the specific knowledge and skills or level of achievement and proficiency that it was designed to measure;

~~[(e)]~~ (f) Be fair to all potential examinees and, insofar as practicable, be designed to account for differences among the examinees in their gender, culture and primary language; and

~~[(f)]~~ (g) Be useful in determining the achievement and proficiency of a pupil relative to a particular level of achievement and proficiency.

2. The costs of such an examination must not exceed the appropriations made by the Legislature for the administration of the examination.

3. The results of such an examination must be reported in a manner that:

(a) Is clear to parents and teachers; and

(b) Avoids the use of technical terms.

4. The Department ~~{of Education}~~ shall provide a program of professional development for teachers relating to the interpretation of the results of such an examination.

Sec. 21. NAC 389.0515 is hereby amended to read as follows:

389.0515 1. An examination that is administered to assess the achievement and proficiency of pupils in this State must:

(a) If the examination is administered pursuant to NRS 389.550, measure the achievement and proficiency of pupils in the standards of content established by the Council to Establish Academic Standards for Public Schools, as adopted by the State Board pursuant to NRS 389.520;

(b) ~~If the examination is administered pursuant to section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296, in any grade, measure the achievement and proficiency of pupils in reading, mathematics, science and writing and in the standards of content~~

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~~established by the Council to Establish Academic Standards for Public Schools, as adopted by the State Board pursuant to NRS 389.520;~~

~~(e)~~ If the examination is an end-of-course examination, measure the achievement and proficiency of pupils in the subjects set forth in subsection 1 of NRS 389.018 and section 10 of this regulation;

~~(d)~~ (c) Be designed so that data relating to past and future trends of the examination scores of pupils may be compiled;

~~(e)~~ (d) Measure the specific knowledge and skills or level of achievement and proficiency that it was designed to measure;

~~(f)~~ (e) Be fair to all potential examinees and, insofar as practicable, be designed to account for differences among the examinees in their gender, culture and primary language; and

~~(g)~~ (f) Be useful in determining the achievement and proficiency of a pupil relative to a particular level of achievement and proficiency.

2. The costs of such an examination must not exceed the appropriations made by the Legislature for the administration of the examination.

3. The results of such an examination must be reported in a manner that:

(a) Is clear to parents and teachers; and

(b) Avoids the use of technical terms.

4. The Department shall provide a program of professional development for teachers relating to the interpretation of the results of such an examination.

Sec. 22. NAC 389.054 is hereby amended to read as follows:

389.054 1. *The questions contained in any end-of-course examination and the approved answers used for grading the examination are confidential, and disclosure is unlawful except:*

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(a) To the extent necessary to administer and evaluate the examination.

(b) To the extent necessary for the performance of the duties of a person described in this paragraph, disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch of State Government; or

(2) Superintendent of schools, director of curriculum or director of testing of a school district.

(c) Specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the questions and answers are not being used in a current examination and that making the questions and answers available to the public poses no threat to the security of the examination process.

(d) As required pursuant to NRS 239.0115.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that the employees of the school district or charter school, respectively, who have access to the materials necessary to administer the examinations required by NRS ~~389.015 and~~ 389.550 *and 389.805 and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296*, are familiar with:

(a) The provisions of this section, ~~subsection 6 of NRS 389.015 and~~ NRS 389.600 to 389.648, inclusive ~~1~~, *and subsection 5 of section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296*; and

(b) Any instructions that are issued by the Department ~~of Education~~ relating to the confidentiality of those materials.

~~{2. —A}~~

3. *Except as otherwise provided in this section, a* person shall not make or distribute copies of the questions contained in the examinations required by NRS ~~{389.015 and}~~ 389.550 *and 389.805 and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,* or the approved answers used for grading them unless that person has received written authorization to do so from the publisher of the examination and the Department ~~. of~~ ~~Education.~~

~~—3.}~~ 4. Before the examinations required by NRS ~~{389.015 and}~~ 389.550 *and 389.805 and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,* are distributed to the schools in which the examinations will be administered, the board of trustees or the governing body shall ensure that the materials used to administer the examinations and the approved answers used for grading them are stored in such a manner that only those persons to whom the materials and answers may be disclosed pursuant to *this section and* subsection ~~{6}~~ 5 of ~~{NRS 389.015}~~ *section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,* have access to them.

~~{4.}~~ 5. The secure examination materials that are used to administer the examinations required by NRS ~~{389.015 and}~~ 389.550 *and 389.805 and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,* must not be distributed to the schools in which the examinations will be administered until such time as is necessary to allow the schools adequate time to prepare to administer the examinations.

~~{5.}~~ 6. The principal of each school to which an examination is delivered shall ensure that:

(a) The questions contained in the examination are stored in a secure location and are not distributed until the examination is administered; and

(b) The materials used to administer the examination are stored in a secure manner before the end of the day on which the examination is administered.

~~16-~~ 7. On or before September 15 of each year, the principal of each public school and charter school, respectively, shall submit to the Department ~~of Education~~ a statement that the principal will ensure that the school complies with the provisions of this section, the provisions of NRS 389.600 to 389.648, inclusive, and any instructions issued by the Department relating to the confidentiality of testing materials. The statement required pursuant to this subsection must be on a form prescribed by the Department.

~~17-~~ 8. The examinations required by NRS ~~389.015 and~~ 389.550 *and 389.805 and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296*, must be administered:

(a) In a facility that is approved by the board of trustees of the school district or the governing body of the charter school; and

(b) By employees of the school district or charter school who are designated to administer the examinations by the board of trustees of the school district or the governing body of the charter school, respectively.

Sec. 23. NAC 389.054 is hereby amended to read as follows:

389.054 1. The questions contained in any end-of-course examination and the approved answers used for grading the examination are confidential, and disclosure is unlawful except:

(a) To the extent necessary to administer and evaluate the examination.

(b) To the extent necessary for the performance of the duties of a person described in this paragraph, disclosure may be made to a:

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- (1) State officer who is a member of the Executive or Legislative Branch of State Government; or
- (2) Superintendent of schools, director of curriculum or director of testing of a school district.
- (c) Specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the questions and answers are not being used in a current examination and that making the questions and answers available to the public poses no threat to the security of the examination process.

(d) As required pursuant to NRS 239.0115.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that the employees of the school district or charter school, respectively, who have access to the materials necessary to administer the examinations required by NRS 389.550 and 389.805 ~~and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296;~~ are familiar with:

(a) The provisions of this section ~~and~~ **and** NRS 389.600 to 389.648, inclusive ; ~~and subsection 5 of section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296;~~ and

(b) Any instructions that are issued by the Department relating to the confidentiality of those materials.

3. Except as otherwise provided in this section, a person shall not make or distribute copies of the questions contained in the examinations required by NRS 389.550 and 389.805 ~~and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296;~~ or

the approved answers used for grading them unless that person has received written authorization to do so from the publisher of the examination and the Department.

4. Before the examinations required by NRS 389.550 and 389.805 ~~and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,]~~ are distributed to the schools in which the examinations will be administered, the board of trustees or the governing body shall ensure that the materials used to administer the examinations and the approved answers used for grading them are stored in such a manner that only those persons to whom the materials and answers may be disclosed pursuant to this section ~~and subsection 5 of section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,]~~ have access to them.

5. The secure examination materials that are used to administer the examinations required by NRS 389.550 and 389.805 ~~and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,]~~ must not be distributed to the schools in which the examinations will be administered until such time as is necessary to allow the schools adequate time to prepare to administer the examinations.

6. The principal of each school to which an examination is delivered shall ensure that:

(a) The questions contained in the examination are stored in a secure location and are not distributed until the examination is administered; and

(b) The materials used to administer the examination are stored in a secure manner before the end of the day on which the examination is administered.

7. On or before September 15 of each year, the principal of each public school and charter school, respectively, shall submit to the Department a statement that the principal will ensure that the school complies with the provisions of this section, the provisions of NRS 389.600 to

389.648, inclusive, and any instructions issued by the Department relating to the confidentiality of testing materials. The statement required pursuant to this subsection must be on a form prescribed by the Department.

8. The examinations required by NRS 389.550 and 389.805 ~~and section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,~~ must be administered:

(a) In a facility that is approved by the board of trustees of the school district or the governing body of the charter school; and

(b) By employees of the school district or charter school who are designated to administer the examinations by the board of trustees of the school district or the governing body of the charter school, respectively.

Sec. 24. NAC 389.056 is hereby amended to read as follows:

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389.056 *1.* Achievement and proficiency examinations must be administered as follows:

~~1-1~~ *(a)* For grades 5 and 8, the examination in writing must be administered pursuant to the instructions in the current edition of the manual for the administration of the proficiency examination in writing adopted by the Department. ~~{of Education.~~

~~—2-1~~ *(b)* For grades 3 through 8, the criterion-referenced examinations must be administered pursuant to the instructions in the current edition of the manual for the administration of the criterion-referenced examinations adopted by the Department. ~~{of Education.~~

~~—3-1~~ *(c)* For ~~{grades 10 and above,}~~ *pupils in the graduating cohorts of 2014, 2015 and 2016,* the high school proficiency examinations must be administered pursuant to the instructions in the current edition of the manual for the administration of the high school proficiency examinations adopted by the Department. ~~{of Education.}~~

2. The college and career readiness assessment required by NRS 389.807 and end-of-course examinations must be administered pursuant to the instructions in the current edition of the manual for the administration of the criterion-referenced examinations adopted by the Department.

Sec. 25. NAC 389.056 is hereby amended to read as follows:

389.056 1. Achievement and proficiency examinations must be administered as follows:

(a) For grades 5 and 8, the examination in writing must be administered pursuant to the instructions in the current edition of the manual for the administration of the proficiency examination in writing adopted by the Department.

(b) For grades 3 through 8, the criterion-referenced examinations must be administered pursuant to the instructions in the current edition of the manual for the administration of the criterion-referenced examinations adopted by the Department.

~~[(c) For pupils in the graduating cohorts of 2014, 2015 and 2016, the high school proficiency examinations must be administered pursuant to the instructions in the current edition of the manual for the administration of the high school proficiency examinations adopted by the Department.]~~

2. The college and career readiness assessment required by NRS 389.807 and end-of-course examinations must be administered pursuant to the instructions in the current edition of the manual for the administration of the criterion-referenced examinations adopted by the Department.

Sec. 26. NAC 389.0565 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

389.0565 1. Except as otherwise provided in this section, calculators may not be used by pupils taking any examination in mathematics described in NAC 389.061 . ~~including, without limitation, the Nevada High School Proficiency Examination in Mathematics.~~

2. A pupil may use a calculator while taking the ~~Nevada High School Proficiency Examination in Mathematics or the~~ Nevada Criterion-Referenced Examination in Mathematics if the pupil is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and the pupil's individualized education program specifies that the pupil may use a calculator for assessment purposes.

3. A pupil may use a calculator while taking a portion of the ~~Nevada High School Proficiency Examination in Mathematics or the~~ Nevada Criterion-Referenced Examination in Mathematics if the Department ~~of Education~~ has specified that a calculator may be used while taking that portion of the examination.

Sec. 27. NAC 389.057 is hereby amended to read as follows:

389.057 1. ~~1A~~ *Except as otherwise provided in subsection 2, a* pupil who fails a proficiency examination administered during grade 10 or 11 is eligible to be reexamined only at the times that the examination is administered for the grade level of the pupil pursuant to NAC 389.051.

2. If the pupil does not pass a proficiency examination before the completion of grade 12, the pupil may be reexamined any time that the examination is administered to adults pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed *the* appropriate remedial study.

3. Except as otherwise provided in subsection 4, a pupil who fails an end-of-course examination is eligible to be reexamined only at the times the examination is administered

pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.

4. If the pupil does not pass an end-of-course examination before the completion of grade 12, the pupil may be reexamined any time that the examination is administered to adults pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.

Sec. 28. NAC 389.057 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

389.057 1. ~~Except as otherwise provided in subsection 2, a pupil who fails a proficiency examination administered during grade 10 or 11 is eligible to be reexamined only at the times that the examination is administered for the grade level of the pupil pursuant to NAC 389.051. —2. If the pupil does not pass a proficiency examination before the completion of grade 12, the pupil may be reexamined any time that the examination is administered to adults pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.~~

~~—3.~~ Except as otherwise provided in subsection ~~4,~~ 2, a pupil who fails an end-of-course examination is eligible to be reexamined only at the times the examination is administered pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.

~~4,~~ 2. If the pupil does not pass an end-of-course examination before the completion of grade 12, the pupil may be reexamined any time that the examination is administered to adults

pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.

Sec. 29. NAC 389.058 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

389.058 A private entity that has contracted with the State Board ~~{of Education}~~ to score ~~{the examinations}~~ *an examination* administered pursuant to NRS ~~{389.015 or}~~ 389.550 *or 389.805 or section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,* shall report the results of the ~~{examinations}~~ *examination* in writing to the Department. ~~{of Education.}~~

Sec. 30. NAC 389.058 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

389.058 A private entity that has contracted with the State Board to score an examination administered pursuant to NRS 389.550 or 389.805 ~~{or section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,}~~ shall report the results of the examination in writing to the Department.

Sec. 31. NAC 389.059 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

389.059 1. Except as otherwise provided by a specific statute or regulation, the Department ~~{of Education}~~ shall not report the scores achieved by an individual pupil on an examination required by NRS ~~{389.015 or}~~ 389.550 *or 389.805 or section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,* to a person or governmental agency.

2. The Department may report the aggregated scores of 10 or more pupils.

Sec. 32. NAC 389.059 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

389.059 1. Except as otherwise provided by a specific statute or regulation, the Department shall not report the scores achieved by an individual pupil on an examination

required by NRS 389.550 or 389.805 ~~for section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296,]~~ to a person or governmental agency.

2. The Department may report the aggregated scores of 10 or more pupils.

Sec. 33. NAC 389.061 is hereby amended to read as follows:

389.061 The following criterion-referenced examinations must be used as examinations of achievement and proficiency:

1. For grade 3, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department ~~{of Education}~~ for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

2. For grade 4, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department ~~{of Education}~~ for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

3. For grade 5, the criterion-referenced examinations that must be used are:

- (a) The Nevada Fifth Grade Proficiency Examination in Writing prescribed by the Department ~~{of Education}~~ for each testing period; and

- (b) The Nevada Criterion-Referenced Examinations in Mathematics, Reading and Science prescribed by the Department ~~{of Education}~~ for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

4. For grade 6, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department

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~~{of Education}~~ for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

5. For grade 7, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department ~~{of Education}~~ for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

6. For grade 8, the criterion-referenced examinations that must be used are:

(a) The Nevada Eighth Grade Proficiency Examination in Writing prescribed by the Department ~~{of Education}~~ for each testing period; and

(b) The Nevada Criterion-Referenced Examinations in Mathematics, Reading and Science prescribed by the Department ~~{of Education}~~ for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

7. For *pupils in the graduating cohorts of 2015 and 2016 who are enrolled in* grade 10, the criterion-referenced examinations that must be used are:

(a) The Nevada High School Proficiency Examination in Reading;

(b) The Nevada High School Proficiency Examination in Mathematics; and

(c) The Nevada High School Proficiency Examination in Science,

→ prescribed by the Department ~~{of Education}~~ for each testing period.

8. For *pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in* grades 11 and above, the criterion-referenced examinations that must be used are:

(a) The Nevada High School Proficiency Examination in Reading;

(b) The Nevada High School Proficiency Examination in Mathematics;

(c) The Nevada High School Proficiency Examination in Science; and

(d) The Nevada High School Proficiency Examination in Writing,

↪ prescribed by the Department ~~{of Education}~~ for each testing period.

Sec. 34. NAC 389.061 is hereby amended to read as follows:

389.061 The following criterion-referenced examinations must be used as examinations of achievement and proficiency:

1. For grade 3, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

2. For grade 4, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

3. For grade 5, the criterion-referenced examinations that must be used are:

(a) The Nevada Fifth Grade Proficiency Examination in Writing prescribed by the Department for each testing period; and

(b) The Nevada Criterion-Referenced Examinations in Mathematics, Reading and Science prescribed by the Department for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

4. For grade 6, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department

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for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

5. For grade 7, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

6. For grade 8, the criterion-referenced examinations that must be used are:

(a) The Nevada Eighth Grade Proficiency Examination in Writing prescribed by the Department for each testing period; and

(b) The Nevada Criterion-Referenced Examinations in Mathematics, Reading and Science prescribed by the Department for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

~~{7. For pupils in the graduating cohorts of 2015 and 2016 who are enrolled in grade 10, the criterion-referenced examinations that must be used are:~~

~~—(a) The Nevada High School Proficiency Examination in Reading;~~

~~—(b) The Nevada High School Proficiency Examination in Mathematics; and~~

~~—(c) The Nevada High School Proficiency Examination in Science,~~

~~↪prescribed by the Department for each testing period.~~

~~—8. For pupils in the graduating cohorts of 2014, 2015 and 2016 who are enrolled in grades 11 and above, the criterion-referenced examinations that must be used are:~~

~~—(a) The Nevada High School Proficiency Examination in Reading;~~

~~—(b) The Nevada High School Proficiency Examination in Mathematics;~~

~~—(c) The Nevada High School Proficiency Examination in Science; and~~

~~—(d) The Nevada High School Proficiency Examination in Writing,
prescribed by the Department for each testing period.]~~

Sec. 35. NAC 389.071 is hereby amended to read as follows:

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389.071 Each edition of the Nevada ~~[High School Proficiency Examination in Writing and
the Nevada]~~ Fifth and Eighth Grade Proficiency Examinations in Writing must be based upon the standards of content and performance in English language arts adopted pursuant to NRS 389.520.

Sec. 36. NAC 389.083 is hereby amended to read as follows:

389.083 1. A school district shall keep the results of all examinations administered pursuant to NRS 389.550 to pupils in grades 3 through 8 for 4 years after the date of the administration of the examinations.

2. The Department ~~[of Education]~~ shall keep the results of all examinations administered pursuant to NRS 389.550 to pupils in grades 3 through 8 for 4 years after the date of the administration of the examinations.

3. The Department ~~[of Education]~~ shall maintain a list of the name and scores of each pupil who takes the High School Proficiency Examinations for 10 years after the date of the administration of the Examinations. A school district shall maintain a list of the name and scores of each pupil who takes the High School Proficiency Examinations for 10 years after the date of the administration of the Examinations.

4. The Department shall maintain a list of the name and scores of each pupil who takes an end-of-course examination for 10 years after the date of the administration of the examination. A school district shall maintain a list of the name and scores of each pupil who

takes an end-of-course examination for 10 years after the date of the administration of the examination.

Sec. 37. NAC 389.646 is hereby amended to read as follows:

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389.646 The following pupils may enroll in a course of study in skills needed to obtain employment:

1. A pupil whose score is in the lower three stanines of a standardized achievement test or an equivalent test.

~~2. A pupil who fails one or more sections of the Nevada proficiency examination.~~

~~—3.1~~ A pupil who is a dropout or potential dropout from secondary school.

~~4.1~~ 3. A pupil who:

(a) Has a physical or mental disability which substantially limits the pupil's activities;

(b) Had such a disability in the past; or

(c) Is perceived by his or her peers as having such an impairment.

~~5.1~~ 4. A pupil who meets one of the criteria established in 29 U.S.C. §§ 701 to 796, inclusive.

~~6.1~~ 5. A pupil whose family has an income at or below the level of poverty established by the Director of the Office of Management and Budget.

~~7.1~~ 6. A pupil in grades 9 to 12, inclusive, who qualifies for free lunch or lunch at reduced cost.

~~8.1~~ 7. A pupil who is eligible for public assistance.

~~9.1~~ 8. A pupil in grades 9 to 12, inclusive, who has failed one or more courses equal to one Carnegie Unit.

~~10.1~~ 9. A pupil who has been absent from school 9 or more days in any one semester.

~~11.1~~ 10. A pupil who is under the age of 18, is a parent or expectant parent and has not earned a high school diploma.

~~11.2~~ 11. A pupil who is under the age of 18, has not earned a high school diploma and is unable to attend a regular course of study in high school because of misconduct in school or the action of a court.

~~11.3~~ 12. A pupil who attends a school where a course of study in the desired vocational experience is not offered or available to the pupil.

Sec. 38. NAC 389.655 is hereby amended to read as follows:

389.655 1. Except as otherwise provided in subsections 2 and 3, a pupil *in the graduating cohort of 2014, 2015 or 2016* must not be given a standard high school diploma until the pupil has, after entering grade 11, passed:

- (a) The Nevada High School Proficiency Examination in Reading;
- (b) The Nevada High School Proficiency Examination in Mathematics;
- (c) The Nevada High School Proficiency Examination in Writing; and
- (d) The Nevada High School Proficiency Examination in Science.

2. A pupil *in the graduating cohort of 2014, 2015 or 2016* who fails to pass the Nevada High School Proficiency Examination in Writing must receive a standard high school diploma if the pupil:

(a) ~~Satisfies the requirements of paragraph (b) of subsection 1 of NRS 389.805;~~ *Fails to pass the high school proficiency examination required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296, in its entirety not less than two times before beginning grade 12 and the pupil:*

- (1) Passes the subject areas of mathematics and reading on the proficiency examination;*
- (2) Has an overall grade point average of at least 2.75 on a 4.0 grading scale; and*
- (3) Otherwise satisfies the requirements for graduation from high school;*
- (b) Satisfies the requirements of NAC 389.657; and
- (c) Has not previously failed to satisfy the requirements of NAC 389.657.
3. A pupil *in the graduating cohort of 2014, 2015 or 2016* who fails to pass the Nevada High School Proficiency Examination in Science must receive a standard high school diploma if the pupil:
- (a) ~~Satisfies the requirements of paragraph (b) of subsection 1 of NRS 389.805;~~ *Fails to pass the high school proficiency examination required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296, in its entirety not less than two times before beginning grade 12 and the pupil:*

- (1) Passes the subject areas of mathematics and reading on the proficiency examination;*
- (2) Has an overall grade point average of at least 2.75 on a 4.0 grading scale; and*
- (3) Otherwise satisfies the requirements for graduation from high school;*
- (b) Satisfies the requirements of NAC 389.6575; and
- (c) Has not previously failed to satisfy the requirements of NAC 389.6575.

Sec. 39. NAC 389.657 is hereby amended to read as follows:

389.657 1. A pupil *in the graduating cohort of 2014, 2015 or 2016* who is currently enrolled in the 12th grade and who satisfies the requirements of paragraph ~~((b))~~ *(a)* of subsection

~~H~~ 2 of ~~NRS 389.805~~ *NAC 389.655* may demonstrate proficiency in writing by submitting to the Department of Education three separate writing samples.

2. The writing samples submitted pursuant to subsection 1 must:

(a) Demonstrate an understanding of the writing process and the application of writing skills, including, without limitation, organization, voice, conventions, development of ideas and style, as prescribed in the academic standards for English language arts in the area of writing.

(b) Include:

(1) One expository essay;

(2) One persuasive essay; and

(3) One other writing sample which demonstrates proficiency, including, without limitation:

(I) A research paper;

(II) A technical writing; or

(III) A single selection from a senior project or a portfolio of the pupil's work.

↪ At least one of the writing samples submitted pursuant to this subsection must be written in a monitored setting.

3. The Department of Education shall prescribe the dates by which the writing samples must be submitted to ensure that a pupil is granted the opportunity to satisfy the requirements of this section before graduation from high school. A pupil shall submit the writing samples and the certification required by subsection 4 to the appropriate testing department of the school district on or before the dates specified by the Department of Education. The testing department shall forward each packet to the Department of Education for scoring.

4. A teacher at the school in which the pupil is enrolled and the principal of that school shall certify that the writing samples submitted by the pupil are the pupil's own work.

5. Submissions that do not meet the requirements of this section will be classified as "Insufficient" and will not be scored.

6. The Department of Education shall, in collaboration with licensed educational personnel, develop guidelines for evaluating writing samples submitted by pupils pursuant to this section. The guidelines must require a pupil to meet or exceed the academic standards for English language arts in the area of writing.

Sec. 40. NAC 389.6575 is hereby amended to read as follows:

389.6575 1. A pupil who is currently enrolled in the 12th grade and who satisfies the requirements of paragraph ~~(b)~~ (a) of subsection ~~H~~ 3 of ~~NRS 389.805~~ NAC 389.655 may demonstrate proficiency in science by submitting to the Department of Education a portfolio of work prepared by the pupil.

2. The portfolio of work submitted pursuant to subsection 1 must:

(a) Demonstrate proficiency in the academic standards for science, including, without limitation, proficiency in life science, earth science, physical science and environmental science.

(b) Include:

(1) One completed design for a scientific experiment;

(2) One sample of work which requires the analysis and interpretation of a data set; and

(3) One other sample of work which demonstrates the pupil's knowledge of and ability to use and apply basic and integrated skills relating to the scientific process, including, without limitation:

(I) A science project or laboratory report based on data generated by the pupil;

(II) A completed project for a science fair, which is consolidated into a single document that accurately reflects the project; or

(III) Any other sample of work which demonstrates the pupil's knowledge, ability and skills relating to the scientific process.

3. The Department of Education shall prescribe the dates by which the portfolio of work must be submitted to ensure that a pupil is granted the opportunity to satisfy the requirements of this section before graduation from high school. A pupil shall submit the completed portfolio of work and the certification required by subsection 4 to the appropriate testing department of the school district on or before the dates specified by the Department of Education. The testing department shall forward each completed packet to the Department of Education for scoring.

4. A teacher or other licensed personnel at the school in which the pupil is enrolled and the principal of that school shall certify that the portfolio of work submitted by the pupil is the pupil's own work.

5. Submissions that do not meet the requirements of this section will be classified as "Insufficient" and will not be scored.

6. The Department of Education shall, in collaboration with licensed educational personnel, develop guidelines for evaluating portfolios of work submitted by pupils pursuant to this section. The guidelines must require a pupil to meet or exceed the academic standards for science.

Sec. 41. NAC 389.658 is hereby amended to read as follows:

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389.658 1. The board of trustees of each school district shall submit the results of the proficiency examinations *and end-of-course examinations* to the Superintendent of Public Instruction by the time and in the form and manner he or she requires.

2. The Superintendent shall annually notify each board of trustees of the requirements for submitting the results.

Sec. 42. NAC 389.658 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

389.658 1. The board of trustees of each school district shall submit the results of the ~~proficiency examinations and~~ end-of-course examinations to the Superintendent of Public Instruction by the time and in the form and manner he or she requires.

2. The Superintendent shall annually notify each board of trustees of the requirements for submitting the results.

Sec. 43. NAC 389.662 is hereby amended to read as follows:

389.662 A pupil who transfers to a Nevada high school from another school must pass the proficiency examination ~~administered pursuant to NRS 389.015,~~ *required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296*, before he or she is graduated from the Nevada high school.

Sec. 44. NAC 389.663 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

389.663 1. To receive an advanced diploma evidencing graduation from high school, a pupil *in the graduating cohort of 2015 or 2016* must, in addition to having passed the high school proficiency examination required by ~~NRS 389.015,~~ *section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296*, have:

(a) Earned a minimum of 18 units of credit for required courses and 6 units of credit for elective courses for a total of at least 24 units of credit; and

(b) Maintained at least a 3.25 grade point average on a 4.0 grading scale, weighted or unweighted, for all units of credit applicable toward graduation.

2. *To receive an advanced diploma evidencing graduation from high school, a pupil in the graduating cohort of 2017 or any year thereafter must, in addition to meeting the criteria prescribed pursuant to subsection 2 of NRS 389.805, have:*

(a) Earned a minimum of 18 units of credit for required courses and 6 units of credit for elective courses for a total of at least 24 units of credit; and

(b) Maintained at least a 3.25 grade point average on a 4.0 grading scale, weighted or unweighted, for all units of credit applicable toward graduation.

3. The units for the required courses must be earned in accordance with the following table:

	Minimum
Required Course	Number of Units
American government	1
American history	1
Arts and humanities, <i>Junior Reserve Officers' Training Corps</i> <i>(Level III or Level IV)</i> or career and technical education	1
Social studies	1
English, including reading, composition and writing	4
Health education.....	1/2
Mathematics	4
Physical education.....	2
Use of computers.....	1/2
Science	3

Required Course	Minimum Number of Units
-----------------	----------------------------

TOTAL: 18

Sec. 45. NAC 389.663 is hereby amended to read as follows:

NEW
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SECTION

389.663 1. ~~{To receive an advanced diploma evidencing graduation from high school, a pupil in the graduating cohort of 2015 or 2016 must, in addition to having passed the high school proficiency examination required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3276, have:~~

~~—(a) Earned a minimum of 18 units of credit for required courses and 6 units of credit for elective courses for a total of at least 24 units of credit; and~~

~~—(b) Maintained at least a 3.25 grade point average on a 4.0 grading scale, weighted or unweighted, for all units of credit applicable toward graduation.~~

~~—2.}~~ To receive an advanced diploma evidencing graduation from high school, a pupil ~~{in the graduating cohort of 2017 or any year thereafter}~~ must, in addition to meeting the criteria prescribed pursuant to subsection 2 of NRS 389.805, have:

(a) Earned a minimum of 18 units of credit for required courses and 6 units of credit for elective courses for a total of at least 24 units of credit; and

(b) Maintained at least a 3.25 grade point average on a 4.0 grading scale, weighted or unweighted, for all units of credit applicable toward graduation.

~~{3.}~~ 2. The units for the required courses must be earned in accordance with the following table:

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education	1
Social studies	1
English, including reading, composition and writing	4
Health education	1/2
Mathematics	4
Physical education	2
Use of computers	1/2
Science	3
TOTAL:	18

Sec. 46. NAC 389.664 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

389.664 1. Except as otherwise provided in subsection ~~2~~ **3**, to receive a standard diploma evidencing graduation from high school, a pupil *in the graduating cohort of 2014, 2015 or 2016* must, in addition to having passed the proficiency examination required by ~~NRS 389.015~~, *section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296*, have earned a minimum of 15 units of credit for required courses and 7 1/2 units of credit

for elective courses for a total of at least 22 1/2 units of credit. The units for the required courses must be earned in accordance with the following table:

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities, <i>Junior Reserve Officers' Training Corps (Level III or Level IV)</i> or career and technical education.....	1
English, including reading, composition and writing	4
Health education.....	1/2
Mathematics	3
Physical education.....	2
Use of computers.....	1/2
Science	2
TOTAL:	15

2. *Except as otherwise provided in subsection 3, to receive a standard diploma evidencing graduation from high school, a pupil in the graduating cohort of 2017 or any year thereafter must, in addition to meeting the criteria prescribed pursuant to subsection 2 of NRS 389.805, have earned a minimum of 15 units of credit for required courses and 7 1/2 units of credit for*

elective courses for a total of at least 22 1/2 units of credit. The units for the required courses must be earned in accordance with the following table:

<i>Required Course</i>	<i>Minimum Number of Units</i>
<i>American government</i>	<i>1</i>
<i>American history</i>	<i>1</i>
<i>Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education.....</i>	<i>1</i>
<i>English, including reading, composition and writing.....</i>	<i>4</i>
<i>Health education</i>	<i>1/2</i>
<i>Mathematics.....</i>	<i>3</i>
<i>Physical education.....</i>	<i>2</i>
<i>Use of computers</i>	<i>1/2</i>
<i>Science</i>	<i>2</i>
<i>TOTAL:</i>	<i>15</i>

3. If a pupil satisfactorily completes a course of study in the use of computers during the sixth, seventh or eighth grade, the pupil is not required to take the course of study in the use of computers and must only earn a minimum of 14 1/2 units of credit for required courses pursuant to subsection 1 ~~H~~ or 2. The course of study in the use of computers must be for at least one

semester or trimester, or the equivalent, and must not be taught as part of another course of study. This subsection authorizes, but does not require, a school district to offer a course in the use of computers as part of the curriculum of a middle school.

Sec. 47. NAC 389.664 is hereby amended to read as follows:

389.664 1. ~~Except as otherwise provided in subsection 3, to receive a standard diploma evidencing graduation from high school, a pupil in the graduating cohort of 2014, 2015 or 2016 must, in addition to having passed the proficiency examination required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296, have earned a minimum of 15 units of credit for required courses and 7 1/2 units of credit for elective courses for a total of at least 22 1/2 units of credit. The units for the required courses must be earned in accordance with the following table:~~

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education	1
English, including reading, composition and writing	4
Health education	1/2
Mathematics	3
Physical education	2

	Minimum
Required Course	Number of Units
Use of computers	1/2
Science	2
TOTAL:	15

—2.† Except as otherwise provided in subsection ~~3.†~~ 2, to receive a standard diploma evidencing graduation from high school, a pupil ~~in the graduating cohort of 2017 or any year thereafter~~ must, in addition to meeting the criteria prescribed pursuant to subsection 2 of NRS 389.805, have earned a minimum of 15 units of credit for required courses and 7 1/2 units of credit for elective courses for a total of at least 22 1/2 units of credit. The units for the required courses must be earned in accordance with the following table:

	Minimum
Required Course	Number of Units
American government	1
American history	1
Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education	1
English, including reading, composition and writing	4

~~[3.]~~ **2.** If a pupil satisfactorily completes a course of study in the use of computers during the sixth, seventh or eighth grade, the pupil is not required to take the course of study in the use of computers and must only earn a minimum of 14 1/2 units of credit for required courses pursuant to subsection 1 . ~~[or 2.]~~ The course of study in the use of computers must be for at least one semester or trimester, or the equivalent, and must not be taught as part of another course of study. This subsection authorizes, but does not require, a school district to offer a course in the use of computers as part of the curriculum of a middle school.

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(a) Withdrew from high school before the person's graduation and was not eligible to graduate with his or her class, or participated in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537;

(b) Has passed the high school proficiency examination which is administered to pupils pursuant to ~~NRS 389.015;~~ *section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296;*

(c) Has earned, in high school, in an adult high school program or in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537, or waived, the units of credit required in subsection ~~42;~~ *3;* and

(d) Is 18 years of age or older at the time of the award or is 17 years of age but less than 18 years of age and participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.

2. *A school district may award an adult standard diploma to a person in the graduating cohort of 2017 or any year thereafter who:*

(a) Withdrew from high school before the person's graduation and was not eligible to graduate with his or her class, or participated in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537;

(b) Has passed all required end-of-course examinations;

(c) Has earned, in high school, in an adult high school program or in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537, or waived, the units of credit required in subsection 3; and

(d) Is 18 years of age or older at the time of the award or is 17 years of age but less than 18 years of age and participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.

3. Except as otherwise provided in subsection ~~3.1~~ 4, the units of credit which a person must have earned or waived to be qualified to receive an adult standard diploma are a total of 13 units for required courses and a total of 7 1/2 units for elective courses. The person must have earned or waived his or her units for the required courses in accordance with the following table:

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities, <i>Junior Reserve Officers' Training Corps (Level III or Level IV)</i> or career and technical education.....	1
English.....	4
Health education.....	1/2
Mathematics	3
Science	2
Use of computers.....	1/2
TOTAL:	13

~~3.1~~ 4. If a person demonstrates a competency in the use of computers, the person is not required to complete the course in the use of computers and must earn or waive a total of 12 1/2 units in required courses.

Sec. 49. NAC 389.688 is hereby amended to read as follows:

389.688 1. ~~{A school district may award an adult standard diploma to a person in the graduating cohort of 2014, 2015 or 2016 who:~~

~~—(a) Withdrew from high school before the person’s graduation and was not eligible to graduate with his or her class, or participated in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537;~~

~~—(b) Has passed the high school proficiency examination which is administered to pupils pursuant to section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296;~~

~~—(c) Has earned, in high school, in an adult high school program or in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537, or waived, the units of credit required in subsection 3; and~~

~~—(d) Is 18 years of age or older at the time of the award or is 17 years of age but less than 18 years of age and participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.~~

~~—2.1~~ A school district may award an adult standard diploma to a person ~~{in the graduating cohort of 2017 or any year thereafter}~~ who:

(a) Withdrew from high school before the person’s graduation and was not eligible to graduate with his or her class, or participated in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537;

- (b) Has passed all required end-of-course examinations;
- (c) Has earned, in high school, in an adult high school program or in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537, or waived, the units of credit required in subsection ~~13-1~~ 2; and
- (d) Is 18 years of age or older at the time of the award or is 17 years of age but less than 18 years of age and participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.

~~13-1~~ 2. Except as otherwise provided in subsection ~~14-1~~ 3, the units of credit which a person must have earned or waived to be qualified to receive an adult standard diploma are a total of 13 units for required courses and a total of 7 1/2 units for elective courses. The person must have earned or waived his or her units for the required courses in accordance with the following table:

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education	1
English.....	4
Health education.....	1/2
Mathematics	3
Science	2

Required Course	Minimum Number of Units
Use of computers.....	1/2
TOTAL:	13

~~4~~ 3. If a person demonstrates a competency in the use of computers, the person is not required to complete the course in the use of computers and must earn or waive a total of 12 1/2 units in required courses.

Sec. 50. NAC 389.815 is hereby amended to read as follows:

NEW FIRST
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389.815 1. To qualify for an endorsement on a high school diploma indicating that a pupil has successfully completed a course of study in a program area for a program of career and technical education set forth in subsection 1 of NAC 389.803 ~~1, the~~ :

(a) A pupil in the graduating cohort of 2014, 2015 or 2016 must:

~~(a)~~ (1) Satisfactorily complete a sequence, or combination of sequences, of courses leading to a terminal course prescribed by the school district or charter school in which the pupil is enrolled for the course of study selected.

~~(b)~~ (2) Satisfy the state academic requirements governing receipt of a standard high school diploma and the statutes and regulations governing the receipt of a standard high school diploma, including, without limitation, passage of the high school proficiency examination ~~1~~ *required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296.*

(b) A pupil in the graduating cohort of 2017 or any year thereafter must:

(1) Satisfactorily complete a sequence, or combination of sequences, of courses leading to a terminal course prescribed by the school district or charter school in which the pupil is enrolled for the course of study selected.

(2) Satisfy the state academic requirements governing receipt of a standard high school diploma and the statutes and regulations governing the receipt of a standard high school diploma, including, without limitation, passage of all required end-of-course examinations.

2. The sequence and terminal courses required ~~{pursuant to paragraph}~~ *by subparagraph (1) of paragraphs (a) and (b)* of subsection 1 must be approved by the Department ~~. {of Education.}~~
A sequence must be a minimum of two credits.

3. The endorsement must be printed on the front of the high school diploma in a format prescribed by the local school district.

Sec. 51. NAC 389.815 is hereby amended to read as follows:

389.815 1. To qualify for an endorsement on a high school diploma indicating that a pupil has successfully completed a course of study in a program area for a program of career and technical education set forth in subsection 1 of NAC 389.803 ~~†~~:

~~—(a) A pupil in the graduating cohort of 2014, 2015 or 2016 must:~~

~~—(1) Satisfactorily complete a sequence, or combination of sequences, of courses leading to a terminal course prescribed by the school district or charter school in which the pupil is enrolled for the course of study selected.~~

~~—(2) Satisfy the state academic requirements governing receipt of a standard high school diploma and the statutes and regulations governing the receipt of a standard high school diploma, including, without limitation, passage of the high school proficiency examination required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296.~~

NEW
SECOND
PARALLEL
SECTION

~~—(b) A~~, *the* pupil ~~[in the graduating cohort of 2017 or any year thereafter]~~ must:

~~{(1)}~~ *(a)* Satisfactorily complete a sequence, or combination of sequences, of courses leading to a terminal course prescribed by the school district or charter school in which the pupil is enrolled for the course of study selected.

~~{(2)}~~ *(b)* Satisfy the state academic requirements governing receipt of a standard high school diploma and the statutes and regulations governing the receipt of a standard high school diploma, including, without limitation, passage of all required end-of-course examinations.

2. The sequence and terminal courses required by ~~{subparagraph (1) of paragraphs}~~ *paragraph (a)* ~~and (b)}~~ of subsection 1 must be approved by the Department. A sequence must be a minimum of two credits.

3. The endorsement must be printed on the front of the high school diploma in a format prescribed by the local school district.

Sec. 52. Section 10 of this regulation is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

Sec. 10. 1. ~~{A pupil in the graduating cohort of 2017 or 2018 must not be given a standard high school diploma until the pupil has passed:~~

~~—(a) The Nevada End Of Course Examination in Mathematics I;~~

~~—(b) The Nevada End Of Course Examination in Mathematics II;~~

~~—(c) The Nevada End Of Course Examination in English Language Arts I; and~~

~~—(d) The Nevada End Of Course Examination in English Language Arts II.~~

~~2. For the purposes of subsection 1, a pupil shall be deemed to have passed an end-of-course examination if the pupil obtains at least the passing score published for the examination by the Department or:~~

~~—(a) Passes the course with which the examination is aligned, in accordance with any established grading policy of the school district or charter school, as applicable; and~~

~~—(b) Takes and makes a reasonable attempt to complete the examination.~~

~~—3.1~~ A pupil ~~{in the graduating cohort of 2019 or any year thereafter}~~ must not be given a standard high school diploma until the pupil has passed:

- (a) The Nevada End-Of-Course Examination in Mathematics I;
- (b) The Nevada End-Of-Course Examination in Mathematics II;
- (c) The Nevada End-Of-Course Examination in English Language Arts;
- (d) The Nevada End-Of-Course Examination in Science; and
- (e) The end-of-course examination in each additional subject area for which the State

Board has adopted the common core standards.

~~{4.}~~ **2.** Each edition of an end-of-course examination must be based upon the standards of content and performance established for the applicable course of study pursuant to NRS 389.520.

Sec. 53. Section 11 of this regulation is hereby amended to read as follows:

Sec. 11. 1. ~~{Except as otherwise provided in this subsection, immediately}~~

Immediately preceding each school year and for each end-of-course examination, the

Department will:

- (a) On or before June 1, publish the standards for the examination; and
- (b) On or before July 15, publish the passing grade for the examination.

~~{→ For the 2014-2015 school year, the Department will publish the standards and passing score for each end-of-course examination on or before the dates established by the Superintendent of Public Instruction.}~~

NEW
SECOND
PARALLEL
SECTION

2. ~~{Except as otherwise provided in this subsection, each}~~ **Each** school district and charter school shall, on or before July 1 of each year and for each course for which an end-of-course examination is approved, submit to the Department:

(a) The titles and corresponding codes of the course; and

(b) An alignment chart which demonstrates that the pupils enrolled in the course will receive instruction in accordance with the standards of content and performance established for that course pursuant to NRS 389.520.

~~{↪ For the 2014-2015 school year, each school district and charter school shall submit the information required by this subsection to the Department on or before the date established by the Superintendent of Public Instruction. The Superintendent will give each school district and charter school written notice of that date.}~~

3. ~~{Except as otherwise provided in this subsection, the}~~ **The** Department will review the information described in subsection 2 and, on or before August 1 of each year, give written notice to the school district or charter school, as applicable, of the end-of-course examination approved for each course for which the school district or charter school submitted the information. ~~{For the 2014-2015 school year, the Department will give the notice required by this subsection on or before the date established by the Superintendent of Public Instruction.}~~

Sec. 54. 1. NAC 389.019 and 389.699 are hereby repealed.

2. NAC 389.027, 389.048, 389.076, 389.079, 389.081, 389.655, 389.657, 389.6575, 389.660, 389.661 and 389.662 are hereby repealed.

Sec. 55. 1. This section and sections 1, 3, 4, 6 to 18, inclusive, 20, 22, 24, 27, 29, 31, 33, 36, 38 to 41, inclusive, 43, 44, 46, 48 and 50 and subsection 1 of section 54 of this regulation become effective on December 22, 2014.

2. Section 53 of this regulation becomes effective on January 1, 2015.

3. Sections 2, 5, 19, 21, 23, 25, 26, 28, 30, 32, 34, 35, 37, 42, 45, 47, 49, 51 and 52 and subsection 2 of section 54 of this regulation become effective on the date on which the high school proficiency examination is no longer administered pursuant to sections 44 and 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296.

TEXT OF REPEALED SECTIONS

389.019 “Certificate of attendance” defined. “Certificate of attendance” means a certificate that evidences the satisfaction of all the requirements for graduation from high school or completion of an adult high school program except that a pupil has not passed one or more of the high school proficiency examinations or has not satisfied the alternative criteria prescribed by the State Board of Education pursuant to NRS 389.805, if applicable. The term “certificate of attendance” is not equivalent to nor does it replace or include a standard diploma, advanced diploma, adjusted diploma or adult standard diploma.

389.027 “High school proficiency examinations” defined. “High school proficiency examinations” means the criterion-referenced examinations that:

1. Are administered to pupils in this State pursuant to section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296; and

2. Pupils in the graduating cohorts of 2014, 2015 and 2016 must pass to receive a standard high school diploma.

389.048 Eligibility for pupil to take high school proficiency examinations.

1. Except as otherwise provided in subsection 2, to determine the eligibility of a pupil in the graduating cohort of 2014, 2015 or 2016 who has completed at least grade 9 to take the high school proficiency examinations, the pupil shall be deemed in:

(a) Grade 10 if the pupil has completed at least 5 units of credit or 2 semesters of high school.

(b) Grade 11 if the pupil has completed at least 11 units of credit or 4 semesters of high school.

(c) Grade 12 if the pupil has completed at least 17 units of credit or 6 semesters of high school.

2. If a pupil in the graduating cohort of 2014, 2015 or 2016 has an academic plan which projects that the pupil will graduate from high school before the pupil is granted the number of opportunities to take the high school proficiency examinations that is otherwise granted to pupils in grades 11 and 12, the pupil may submit a written request to the superintendent of schools of the school district in which the pupil is enrolled or the governing body of the charter school in which the pupil is enrolled to take the high school proficiency examinations for the first time before the pupil has earned the 5 units of credit or completed the 2 semesters of high school required for grade 10.

389.076 Nevada High School Proficiency Examination in Reading. For grades 10, 11 and 12, and for adults, each edition of the Nevada High School Proficiency Examination in

Reading must be based upon the standards of content and performance in English language arts adopted pursuant to NRS 389.520.

389.079 Nevada High School Proficiency Examination in Science. Each edition of the Nevada High School Proficiency Examination in Science must be based upon the standards of content and performance in science adopted pursuant to NRS 389.520.

389.081 Nevada High School Proficiency Examination in Mathematics. For grades 10, 11 and 12, and for adults, each edition of the Nevada High School Proficiency Examination in Mathematics must be based upon the standards of content and performance in mathematics adopted pursuant to NRS 389.520.

389.655 Passage of proficiency examinations; exceptions for demonstration of proficiency by alternative method.

1. Except as otherwise provided in subsections 2 and 3, a pupil in the graduating cohort of 2014, 2015 or 2016 must not be given a standard high school diploma until the pupil has, after entering grade 11, passed:

- (a) The Nevada High School Proficiency Examination in Reading;
- (b) The Nevada High School Proficiency Examination in Mathematics;
- (c) The Nevada High School Proficiency Examination in Writing; and
- (d) The Nevada High School Proficiency Examination in Science.

2. A pupil in the graduating cohort of 2014, 2015 or 2016 who fails to pass the Nevada High School Proficiency Examination in Writing must receive a standard high school diploma if the pupil:

(a) Fails to pass the high school proficiency examination required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296, in its entirety not less than two times before beginning grade 12 and the pupil:

- (1) Passes the subject areas of mathematics and reading on the proficiency examination;
 - (2) Has an overall grade point average of at least 2.75 on a 4.0 grading scale; and
 - (3) Otherwise satisfies the requirements for graduation from high school;
- (b) Satisfies the requirements of NAC 389.657; and
- (c) Has not previously failed to satisfy the requirements of NAC 389.657.

3. A pupil in the graduating cohort of 2014, 2015 or 2016 who fails to pass the Nevada High School Proficiency Examination in Science must receive a standard high school diploma if the pupil:

(a) Fails to pass the high school proficiency examination required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296, in its entirety not less than two times before beginning grade 12 and the pupil:

- (1) Passes the subject areas of mathematics and reading on the proficiency examination;
 - (2) Has an overall grade point average of at least 2.75 on a 4.0 grading scale; and
 - (3) Otherwise satisfies the requirements for graduation from high school;
- (b) Satisfies the requirements of NAC 389.6575; and
- (c) Has not previously failed to satisfy the requirements of NAC 389.6575.

389.657 Alternative method to demonstrate proficiency in writing.

1. A pupil in the graduating cohort of 2014, 2015 or 2016 who is currently enrolled in the 12th grade and who satisfies the requirements of paragraph (a) of subsection 2 of NAC 389.655

may demonstrate proficiency in writing by submitting to the Department of Education three separate writing samples.

2. The writing samples submitted pursuant to subsection 1 must:

(a) Demonstrate an understanding of the writing process and the application of writing skills, including, without limitation, organization, voice, conventions, development of ideas and style, as prescribed in the academic standards for English language arts in the area of writing.

(b) Include:

(1) One expository essay;

(2) One persuasive essay; and

(3) One other writing sample which demonstrates proficiency, including, without limitation:

(I) A research paper;

(II) A technical writing; or

(III) A single selection from a senior project or a portfolio of the pupil's work.

↪ At least one of the writing samples submitted pursuant to this subsection must be written in a monitored setting.

3. The Department of Education shall prescribe the dates by which the writing samples must be submitted to ensure that a pupil is granted the opportunity to satisfy the requirements of this section before graduation from high school. A pupil shall submit the writing samples and the certification required by subsection 4 to the appropriate testing department of the school district on or before the dates specified by the Department of Education. The testing department shall forward each packet to the Department of Education for scoring.

4. A teacher at the school in which the pupil is enrolled and the principal of that school shall certify that the writing samples submitted by the pupil are the pupil's own work.

5. Submissions that do not meet the requirements of this section will be classified as "Insufficient" and will not be scored.

6. The Department of Education shall, in collaboration with licensed educational personnel, develop guidelines for evaluating writing samples submitted by pupils pursuant to this section. The guidelines must require a pupil to meet or exceed the academic standards for English language arts in the area of writing.

389.6575 Alternative method to demonstrate proficiency in science.

1. A pupil who is currently enrolled in the 12th grade and who satisfies the requirements of paragraph (a) of subsection 3 of NAC 389.655 may demonstrate proficiency in science by submitting to the Department of Education a portfolio of work prepared by the pupil.

2. The portfolio of work submitted pursuant to subsection 1 must:

(a) Demonstrate proficiency in the academic standards for science, including, without limitation, proficiency in life science, earth science, physical science and environmental science.

(b) Include:

(1) One completed design for a scientific experiment;

(2) One sample of work which requires the analysis and interpretation of a data set; and

(3) One other sample of work which demonstrates the pupil's knowledge of and ability to use and apply basic and integrated skills relating to the scientific process, including, without limitation:

(I) A science project or laboratory report based on data generated by the pupil;

(II) A completed project for a science fair, which is consolidated into a single document that accurately reflects the project; or

(III) Any other sample of work which demonstrates the pupil's knowledge, ability and skills relating to the scientific process.

3. The Department of Education shall prescribe the dates by which the portfolio of work must be submitted to ensure that a pupil is granted the opportunity to satisfy the requirements of this section before graduation from high school. A pupil shall submit the completed portfolio of work and the certification required by subsection 4 to the appropriate testing department of the school district on or before the dates specified by the Department of Education. The testing department shall forward each completed packet to the Department of Education for scoring.

4. A teacher or other licensed personnel at the school in which the pupil is enrolled and the principal of that school shall certify that the portfolio of work submitted by the pupil is the pupil's own work.

5. Submissions that do not meet the requirements of this section will be classified as "Insufficient" and will not be scored.

6. The Department of Education shall, in collaboration with licensed educational personnel, develop guidelines for evaluating portfolios of work submitted by pupils pursuant to this section. The guidelines must require a pupil to meet or exceed the academic standards for science.

389.660 Provision of remedial study for pupil in grade 11 or 12.

1. Each school district shall provide remedial study to each pupil in grade 11 or 12 who:

(a) Fails any of the high school proficiency examinations two or more times; or

(b) Is deemed deficient in credit for the pupil's grade level in:

(1) English, including reading, composition and writing;

(2) Mathematics; or

(3) Science.

2. A school district shall not charge such a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the remedial study, unless the deficiency in credit is a result of the pupil's:

(a) Absence from school, other than an absence from school that has been verified as excused for medical reasons; or

(b) Habitual truancy.

3. The remedial study described in subsection 1 may be offered:

(a) During the regular school day;

(b) During summer school;

(c) During intersession school; or

(d) As part of a program that is offered before or after the regular school day.

389.661 Enrollment in remedial study required for failure of proficiency examinations two or more times; waiver by school district.

1. Except as otherwise provided in subsection 2, a pupil who has failed any of the high school proficiency examinations two or more times must enroll in remedial study that is provided pursuant to NAC 389.660.

2. The superintendent of a local school district may waive the requirement set forth in subsection 1 if he or she determines that extenuating circumstances exist.

389.662 Proficiency examinations for pupil to who transfers to Nevada high school. A pupil who transfers to a Nevada high school from another school must pass the proficiency

examination required by section 44.3 of Assembly Bill No. 288, chapter 506, Statutes of Nevada 2013, at page 3296, before he or she is graduated from the Nevada high school.

389.699 Requirements for certificate of attendance; subsequent issuance of diploma.

1. A certificate of attendance must be issued to a pupil who is 17 years of age or older if the pupil has satisfied all the requirements for graduation from high school or completion of an adult high school program, including, without limitation, completion of the units of credit required for a diploma, except that the pupil has not passed one or more of the high school proficiency examinations or has not satisfied the alternative criteria prescribed by the State Board of Education pursuant to NRS 389.805, if applicable.

2. If a pupil who qualifies for a certificate of attendance subsequently passes, during the summer immediately after the completion of the pupil's senior year of high school, each high school proficiency examination that the pupil previously failed to pass, the appropriate high school diploma must be issued to the pupil in accordance with the procedure established in his or her school district. If a pupil who qualifies for a certificate of attendance subsequently passes, through an adult high school program, each high school proficiency examination that the pupil previously failed to pass, an adult standard diploma must be issued to the pupil in accordance with the procedure established in his or her school district. A pupil who qualifies for a certificate of attendance is not eligible to satisfy the alternative criteria prescribed by the State Board of Education pursuant to NRS 389.805 after the completion of his or her senior year of high school.

3. A pupil who qualifies for a certificate of attendance must not be counted as a dropout.