

LCB File No. T055-01

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

(Effective June 19, 2001)

Explanation: Matter in *italics* is new; matter in brackets ~~{}~~ is material to be omitted.

Authority: NRS 385.080 and NRS 389.015

SECTION 1. NAC 389 is hereby amended as follows:

SECTION 2. NAC 389.015 “Adjusted diploma” defined. “Adjusted diploma” means a diploma which evidences the graduation from high school of a ~~{handicapped}~~ pupil *with a disability* after ~~{he}~~ *the pupil* has met special requirements or adjusted standards.

SECTION 3. NAC 389.0195 “Criterion-referenced examination” defined. “Criterion-referenced examination” means an examination in which the achievement and proficiency of a pupil ~~{in this state}~~ on the examination is compared to an expected level of achievement and proficiency on the examination that is~~;~~

~~1.—B}~~ *based* on the specific academic standards, knowledge and skills that the examination was designed to measure ~~;~~ *and*

~~2.—Determined before the administration of the examination}.~~

SECTION 4. NAC 389.027 “High school proficiency examinations” defined. “High school proficiency examinations” means the criterion-referenced examinations in the areas of writing, mathematics, *science* and reading that:

1. Are administered to pupils in this state before the completion of grade 11 pursuant to NRS 389.015; and

2. Pupils must pass to receive a standard high school diploma.

SECTION 5. NAC 389.031 “Norm-referenced examination” defined. “Norm-referenced examination” means an examination that:

1. ~~[Is created by a private entity;~~
2. ~~]Is administered to a national reference group; and~~
- ~~[3.]~~ 2. Allows for a comparison of the achievement and proficiency of ~~[a]~~ pupils in this state to the achievement and proficiency of pupils in the national reference group who ~~[are of] were tested at the same educational level and share~~ the same ~~[age, ability, gender and ethnic background]~~ *general demographic characteristics.*

ADMINISTRATION OF ACHIEVEMENT AND PROFICIENCY EXAMINATIONS

SECTION 6. ~~[NAC 389.049 Definitions. As used in NAC 389.049 to 389.083, inclusive, unless the context otherwise requires:~~

1. ~~“Grade 11” means the third and fourth semesters before the anticipated graduation of a pupil.~~
2. ~~“Grade 12” means the final two semesters before the anticipated graduation of a pupil.]~~

SECTION 7. *Eligibility to Take High School Proficiency Examinations (Effective September 1, 2001). For purposes of determining eligibility of pupils completing grade 10 or beginning grade 11 in or after the 2001-2002 academic year to take the High School Proficiency Examinations:*

A pupil is considered to be in grade 11 if the pupil has completed at least 11 units of credit;

A pupil is considered to be in grade 12 if the pupil has completed at least 17 units of credit.

A pupil who, through an academic plan which projects that the pupil will graduate before having the number of opportunities granted to regular pupils in grades 11 and 12 to take the High School Proficiency Examinations, may petition the district superintendent for the opportunity to take the tests for the first time before earning the full 11 credits required for promotion to grade 11.

SECTION 8. **NAC 389.051 Times for administration; special administration.**

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 required by NRS 389.015 *and 389.550* in each public school in that district and each charter school which has the appropriate grades at the following times:

(a) *For grades 3 and 5, criterion-referenced examinations in reading and mathematics must be administered in May of each year on the dates specified by the department of education.*

(b) For grades 4, 8 and 10, *norm-referenced* examinations in reading, language, mathematics and science must be administered in October on the date specified by the department of education.

~~(b)~~ (c) For grades 4 and 8, the examination in writing must be administered on the date specified by the department of education.

~~(e)~~ (d) For grade 11, the examination in writing must be administered in February on the date specified by the department of education.

~~(d)~~ (e) For grade 12 and for adults, the examination in writing must be administered in:

- (1) February;
- (2) April;
- (3) June, July or August; and
- (4) October,

on the respective dates specified by the department of education.

~~(e)~~ (f) For grades 11 and 12 and for adults, the examinations in reading and mathematics must be administered in:

- (1) February;
- (2) April;
- (3) June, July or August; and
- (4) October,

on the respective dates specified by the department of education.

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 standards, curricula and assessments team of the department of education to establish another date for the administration of that examination. Not later than June 1 of that year, the standards, curricula and assessments team 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 assessment of a pupil whose primary language is not English pursuant to NAC 389.063 must be administered before the earliest date on which the pupil would be required to take the proficiency examination required for ~~his~~ *the pupil's* grade level if ~~his~~ *the pupil's* primary language were English.

4. 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 in grade 12;

(b) That person, through no fault of ~~his~~ *their* own, 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.

~~[5. In May of each year, the board of trustees of each school district and the governing body of each charter school, respectively, shall administer criterion-referenced examinations in reading, mathematics, science and social studies for grades 3 and 5 in each public school in that district and each charter school that has those grades. The examinations must be administered on the dates specified by the department of education.]~~

SECTION 9. NAC 389.051 Times for administration; special administration. *Effective September 1, 2001.*

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 required by NRS 389.015 and 389.550 in each public school in that district and each charter school which has the appropriate grades at the following times:

(a) For grades 3 and 5, criterion-referenced examinations in reading and mathematics must be administered within the period beginning two weeks before and ending two weeks after the one-hundred-sixty-fifth day of instruction for the class being tested.

(b) For grades 4, 8 and 10, norm-referenced examinations in reading, language, mathematics and science must be administered in October on the dates specified by the department of education.

(c) For grades 4 and 8, the examination in writing must be administered on the date specified by the department of education.

(d) For grade 11, the examination in writing must be administered in February on the date specified by the department of education.

(e) For grade 12 and for adults, the examination in writing must be administered in:

(1) February;

(2) April;

(3) Summer; and

(4) October,

on the respective dates specified by the department of education.

(f) For grade 12, at the option of the department of education, the examination in writing may be administered to those pupils who have not yet passed this test, approximately two weeks prior to graduation on the date specified by the department of education.

(g) For grade 10, the high school proficiency examinations in reading and mathematics must be administered in April, on the dates specified by the department of education.

(h) For grade 11, the examinations in reading and mathematics must be administered in:

(1) April;

(2) October; and

(3) Summer,

on the respective dates specified by the department of education.

(i) For grade 12 and for adults, the examinations in reading and mathematics must be administered in:

(1) February;

(2) April;

(3) Summer; and

(4) October,

on the respective dates specified by the department of education.

(j) For grade 12, at the option of the department of education, examinations in reading

and mathematics may be administered to those pupils who have not yet passed one or both of these tests, approximately two weeks prior to graduation on the dates specified by the department of education.

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 standards, curricula and assessments team of the department of education to establish another date for the administration of that examination. Not later than June 1 of that year, the standards, curricula and assessments team 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 assessment of a pupil whose primary language is not English pursuant to NAC 389.063 must be administered before the earliest date on which the pupil would be required to take the proficiency examination required for the pupil's grade level if the pupil's primary language were English.

4. 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 in grade 12;

(b) That person, through no fault of their own, 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.

SECTION 10. NAC 389.051 Times for administration; special administration. *Effective September 1, 2002.*

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 required by NRS 389.015 and 389.550 in each public school in that district and each charter school which has the appropriate grades at the following times:

(a) For grades 3 and 5, criterion-referenced examinations in reading and mathematics

must be administered within the period beginning two weeks before and ending two weeks after the one-hundred-sixty-fifth day of instruction for the class being tested.

(b) For grades 4, 8 and 10, norm-referenced examinations in reading, language, mathematics and science must be administered in October on the dates specified by the department of education.

(c) For grades 4 and 8, the examination in writing must be administered on the date specified by the department of education.

(d) For grade 11, the examination in writing must be administered in February on the date specified by the department of education.

(e) For grade 12 and for adults, the examination in writing must be administered in:

- (1) February;*
- (2) April;*
- (3) Summer; and*
- (4) November,*

on the respective dates specified by the department of education.

(f) For grade 12, at the option of the department of education, the examination in writing may be administered to those pupils who have not yet passed this test, approximately two weeks prior to graduation, on the date specified by the department of education.

(g) For grade 10, the high school proficiency examinations in reading and mathematics must be administered in April, on the dates specified by the department of education.

(h) For grade 11, the examinations in reading and mathematics must be administered in:

- (1) April;*
- (2) November; and*
- (3) Summer;*

on the respective dates specified by the department of education.

(i) For grade 12 and for adults, the examinations in reading and mathematics must be administered in:

- (1) February;*
- (2) April;*
- (3) Summer; and*
- (4) November,*

on the respective dates specified by the department of education.

(j) For grade 12, at the option of the department of education, examinations in reading and mathematics may be administered to those pupils who have not yet passed one or both of these tests, approximately two weeks prior to graduation on the dates specified by the department of education.

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 standards, curricula and assessments team of the department of education to establish another date for the administration of that examination. Not later than June 1 of that year, the standards, curricula and assessments team 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 assessment of a pupil whose primary language is not English pursuant to NAC 389.063 must be administered before the earliest date on which the pupil would be required to take the proficiency examination required for the pupil's grade level if the pupil's primary language were English.

4. 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 in grade 12;

(b) That person, through no fault of their own, 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.

SECTION 11. NAC 389.0515 General requirements for examinations.

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 and adopted by the state board of education pursuant to NRS 389.520;

(b) If the examination is administered pursuant to NRS 389.015, measure the achievement and proficiency of pupils in the subjects set forth in subsection 1 of NRS 389.015 *and in the standards of content established by the council to establish academic standards for public schools and adopted by the state board of education pursuant to NRS 389.520*;

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

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

(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

(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 of education shall provide a program of professional development for teachers relating to the interpretation of the results of such an examination.

SECTION 12. NAC 389.054 Confidentiality and security of testing materials.

1. 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 *or 389.550* are familiar with:

(a) The provisions of this section and subsection 7 of NRS 389.015; and

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

2. A person shall not make or distribute copies of the questions contained in the

examinations required by NRS 389.015 *or 389.550* 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. Before the examinations required by NRS 389.015 *or 389.550* 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 subsection 7 of NRS 389.015 have access to them.

4. The ~~[questions contained in the examinations]~~ *secure examination materials* required by NRS 389.015 *or 389.550* 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. 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.

6. 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 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.

7. The examinations required by NRS 389.015 *or 389.550* 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.

SECTION 13. NAC 389.056 Procedures for administration. Achievement and proficiency

examinations must be administered as follows:

1. For grades 4, 8 and 10, the reading, mathematics, language and science examinations must be administered pursuant to the instructions in *the current edition of* “Comprehensive Test of Basic Skills, TerraNova, Test Directions for Teachers: Level 14/22,” copyright 1996 by CTB/McGraw-Hill. If a pupil with a disability in grade 4, 8 or 10 is required to take the examination, ~~[he]~~ *the pupil* must be included in the regular administration of the examination if ~~[he]~~ *the pupil* can be adequately tested under acceptable accommodations as set forth in the *current edition of* “Nevada Proficiency Examination Program, TerraNova Grades 4, 8, and 10 Test Coordinator’s Manual,” copyright 1997 by CTB/McGraw-Hill.

2. For grades 4 *and* 8, the examination in writing must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada Fourth *& Eighth* Grade Proficiency Examinations in Writing,” adopted by the department of education.

3. For grades ~~[8, the examination in writing]~~ *3 and 5, the criterion-referenced tests required by NRS 389.550* must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada ~~[Eighth Grade Proficiency Examination in Writing]~~ *Criterion-Referenced Tests at Grades Three and Five*,” adopted by the department of education.

4. For grades 11 and above, the examinations must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada High School Proficiency Examinations *in* Mathematics, Reading and Writing,” adopted by the department of education.

SECTION 14. NAC 389.056 Procedures for administration. {Effective September 1, 2001}

Achievement and proficiency examinations must be administered as follows:

1. For grades 4, 8 and 10, the reading, mathematics, language and science examinations must be administered pursuant to the instructions in the current edition of “Comprehensive Test of Basic Skills, TerraNova, Test Directions for Teachers: Level 14/22,” copyright 1996 by CTB/McGraw-Hill. If a pupil with a disability in grade 4, 8 or 10 is required to take the examination, the pupil must be included in the regular administration of the examination if the pupil can be adequately tested under acceptable accommodations as set forth in the current edition of “Nevada Proficiency Examination Program, TerraNova Grades 4, 8, and 10 Test Coordinator’s Manual,” copyright 1997 by CTB/McGraw-Hill.

2. *For grades 4 and 8, the examination in writing must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada Fourth & Eighth Grade Proficiency Examinations in Writing,” adopted by the department of education.*

3. *For grades 3 and 5, the criterion-referenced tests required by NRS 389.550 must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada Criterion-Referenced Tests at Grades Three and Five,” adopted by the department of education.*

4. *For grades 11 and above, the examinations must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada High School Proficiency Examinations in Mathematics, Science, Reading and Writing,” adopted by the department of education.*

SECTION 15. NAC 389.057 Eligibility for reexamination.

1. A pupil who fails a proficiency examination administered during grade 11 is eligible to be reexamined *only* at ~~any~~ *the* times that the examination is administered *at the pupil’s grade*, pursuant to NAC 389.051.

2. If the pupil does not pass a proficiency examination before the completion of grade 12, ~~he~~ *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 ~~he~~ *the pupil* attends a charter school, to the charter school that ~~he~~ *the pupil* has completed appropriate remedial study.

SECTION 16. NAC 389.058 Reporting of results to department of education.

1. Except as otherwise provided in subsection 2, a private entity that has contracted with the state board to score the examinations pursuant to paragraph (d) of subsection 2 of NRS 389.015 *or 389.550* shall report the results of the examinations in writing to the department of education.

2. The provisions of subsection 1 do not apply to the results of examinations administered to:

(a) Pupils whose primary language is not English. The number of such pupils who are examined pursuant to NAC 389.063 must be reported separately by the private entity scoring the examinations based on the answer sheet submitted to the entity by the school district for each

pupil examined pursuant to NAC 389.063.

(b) Pupils who are enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and who are not gifted or talented pupils.

SECTION 17. NAC 389.059 Restriction on reporting scores of individual pupils; reporting of aggregated scores.

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* to a person or governmental agency.

2. The department may report the aggregated scores of five or more pupils.

SECTION 18. NAC 389.061 Specific norm-referenced and criterion-referenced examinations required. Except as otherwise provided in NAC 389.063, the following norm-referenced and criterion-referenced examinations must be used as examinations of achievement and proficiency:

1. For grades 3 and 5, the criterion-referenced examinations that must be used are the “Nevada Third and Fifth Grade Examinations in Mathematics and Reading” prescribed by the department of education for each testing period.

~~1~~ **2.** For grade 4:

(a) The norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 14, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

(b) The criterion-referenced examination that must be used is the Nevada Proficiency Examination in Writing for the Fourth Grade prescribed by the department of education for each testing period.

~~2~~ **3.** For grade 8:

(a) The norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 18, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

(b) The criterion-referenced examination that must be used is the Nevada Proficiency Examination in Writing for the Eighth Grade prescribed by the department of education for each testing period.

~~[3]~~ 4. For grade 10, the norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 20, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus. prescribed by the department of education for each testing period.

~~[4]~~ 5. For grades 11 and above, the criterion-referenced examinations that must be used are the:

- (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 Writing for the Eleventh Grade and Above,

prescribed by the department of education for each testing period.

SECTION 19. NAC 389.061 Specific norm-referenced and criterion-referenced examinations required. {Effective September 1, 2001}

Except as otherwise provided in NAC 389.063, the following norm-referenced and criterion-referenced examinations must be used as examinations of achievement and proficiency:

1. For grades 3 and 5, the criterion-referenced examinations that must be used are the “Nevada Third and Fifth Grade Examinations in Mathematics and Reading” prescribed by the department of education for each testing period.

2. For grade 4:

(a) The norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 14, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

(b) The criterion-referenced examination that must be used is the Nevada Proficiency Examination in Writing for the Fourth Grade prescribed by the department of education for each testing period.

3. For grade 8:

(a) The norm-referenced examinations that must be used are the “Reading Composite,”

“Mathematics Composite,” “Language Composite” and “Science” portions of Level 18, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

(b) The criterion-referenced examination that must be used is the Nevada Proficiency Examination in Writing for the Eighth Grade prescribed by the department of education for each testing period.

4. For grade 10, the norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 20, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus. prescribed by the department of education for each testing period.

5. For grades 11 and above, the criterion-referenced examinations that must be used are the:

(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 for the Eleventh Grade and Above; and

(d) The Nevada High School Proficiency Examination in Science, prescribed by the department of education for each testing period.

SECTION 20. NAC 389.063 Assessment of proficiency in English of pupils whose primary language is not English.

1. Each school district shall use the “Language Assessment Scales-Oral,” copyright 1990 by CTB/McGraw-Hill, and the “Language Assessment Scales-Reading/Writing,” copyright 1990 by CTB/McGraw-Hill, to assess the proficiency in the English language of pupils whose primary language is not English. Except as otherwise provided in subsections 2 and 3, the assessment must be used as the examination of achievement and proficiency for such pupils in grades 4, 8 and 10.

2. If a pupil in grade 4 is assessed at a level III or above as a result of the oral examination administered pursuant to subsection 1 and at a level II or above as a result of the examination of reading and writing administered pursuant to subsection 1, ~~he~~ *the pupil* must also be required to complete the examinations required by NAC 389.061.

3. If a pupil in grade 8 or 10 is assessed at a level III or above as a result of the oral

examination administered pursuant to subsection 1, at a level III or above as a result of the reading portion of the examination of reading and writing administered pursuant to subsection 1 and at a level II or above as a result of the writing portion of the examination of reading and writing administered pursuant to subsection 1, ~~the~~ *the pupil* must also be required to complete the examinations required by NAC 389.061.

4. If a pupil is assessed below a level III on the oral examination administered pursuant to subsection 1, ~~the~~ *the pupil* is not required to complete the examination of reading and writing prescribed in subsection 1 *and is not required to complete the examinations required by NAC 389.061.*

5. *For the criterion-referenced examinations required by NRS 389.550 at grades 3 and 5, the standards specified for grade 4 in paragraph 2, above, may be applied. However, a pupil who falls below these standards may be tested if, in the opinion of the pupil's teacher, useful information may be gained about the pupil's academic status in reading or mathematics.*

SECTION 21. NAC 389.066 Scores indicating failure to demonstrate adequate achievement. A pupil who earns any of the following scores on the examinations administered pursuant to NRS 389.015 has not demonstrated adequate achievement:

1. For grade 4, 8 or 10, a score on the examination in reading, mathematics, language or science at or below the 25th percentile of the national norms for that examination.

2. For grade 4, a score on a trait on the examination in writing of below 3 indicates inadequate achievement for that trait only and not for all traits on the examination in writing.

3. *For grades 3 and 5, a score on the examination in reading or mathematics that is below the category "meets standard" as set by the State Board of Education.*

4. For grade 8, a score on one or more of the traits that are separately scored on the examination in writing of below 3.

SECTION 22. *Criterion-referenced examinations in reading and mathematics at grades 3 and 5.*

Each edition of the criterion-referenced examinations in reading and mathematics for grades 3 and 5, to be used from the spring of 2001, must be based on the standards of content established by the council to establish academic standards for public schools and adopted by

the state board of education pursuant to NRS 389.520.

SECTION 23. NAC 389.071 Proficiency examinations in writing: Eleventh grade and above; *fourth and eighth grade.*

1. Each edition of the Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above to be used after the fall of 1988 must require pupils to write on two topics to be chosen from the following styles of writing:

- (a) Descriptive or narrative writing;
- (b) Expository writing; or
- (c) Persuasive writing.

2. Each edition of the Nevada Proficiency Examination in Writing for the *Fourth and Eighth Grade* must require pupils to write on one topic to be chosen from the following styles of writing:

- (a) Descriptive writing;
- (b) Narrative writing;
- (c) Expository writing; or
- (d) Persuasive writing.

SECTION 24. NAC 389.076 Nevada High School Proficiency Examination in Reading.

1. Each edition of the Nevada High School Proficiency Examination in Reading to be used after the spring of 1997 must assess pupils' abilities to:

- (a) Read to obtain information;
- (b) Understand literature; and
- (c) Read materials that assist them in performing a task.

2. Pupils may be tested in the areas listed in subsection 1 for:

- (a) Their abilities to comprehend the meaning of the material they have read;
- (b) Their abilities to understand the intent of the author of the material they have read;
- (c) Their abilities to form an opinion regarding the material they have read; and
- (d) Their abilities to respond critically to the ideas expressed in the material they have read.

3. Passages on the examination may include selections:

- (a) Relating to literature, social studies, science, mathematics, occupational education, computer education and other areas of study included in the pupils' curriculum; and
- (b) From informational materials including, without limitation, periodicals, manuals, handbooks and other publications.

SECTION 25. NAC 389.076 Nevada High School Proficiency Examination in Reading.
{effective September 2001}

1. Each edition of the Nevada High School Proficiency Examination in Reading to be used after the September 2001 must be based on the Nevada State Standards in English Language Arts, adopted August 1998, and must assess pupils' abilities to:

- (a) Use word analysis skills and strategies to comprehend new words in encountered text;;*
- (b) Use reading process skills and strategies to build comprehension;*
- (c) Comprehend, interpret and evaluate literature from a variety of authors, cultures, and times; and*
- (c) Comprehend, interpret and evaluate informational texts for specific purposes.*

2. Pupils may be tested in the areas listed in subsection 1 for:

- (a) Their abilities to comprehend the meaning of the material they have read;*
- (b) Their abilities to understand the intent of the author of the material they have read;*
- (c) Their abilities to form an opinion regarding the material they have read; and*
- (d) Their abilities to respond critically to the ideas expressed in the material they have read.*

3. Passages on the examination may include selections:

- (a) Relating to literature, social studies, science, mathematics, occupational education, computer education and other areas of study included in the pupils' curriculum; and*
- (b) From informational materials including, without limitation, periodicals, manuals, handbooks and other publications.*

SECTION 26. NAC 389.076 Nevada High School Proficiency Examination in Mathematics.

1. Each edition of the Nevada High School Proficiency Examination in Mathematics to be used after the spring of 1997 must assess pupils' skills in the following areas:

(a) Adding, subtracting, multiplying and dividing whole numbers, decimals, fractions and percentages using a single step;

(b) Adding subtracting, multiplying and dividing whole numbers, decimals, fractions and percentages using multiple steps;

(c) Using formulas and simple equations;

(d) Solving problems using information obtained from tables, charts, printouts, graphs, maps and scales.

2. The examination must also assess the pupils':

(a) Understanding of mathematical concepts;

(b) Knowledge of procedures to be used to solve a problem; and

(c) Abilities to reason and solve problems.

3. The examination must emphasize the ability to solve problems and to perform calculations in the following areas of mathematics:

(a) Numbers and operations;

(b) Measurements;

(c) Geometry;

(d) Data analyses, including probability and statistics; and

(e) Algebra and functions;.

SECTION 27. NAC 389.076 Nevada High School Proficiency Examination in Mathematics. {Effective September 1, 2001}

1. Each edition of the Nevada High School Proficiency Examination in Mathematics to be used after September 2001 must be based on the Nevada State Standards in Mathematics, adopted August 1998, and must assess pupils' skills in the following areas:

(a) Abilities to calculate and estimate sums, differences, products, quotients, powers and roots using mental math, formulas and algorithms;

(b) Represent, analyze and solve problem situations using discrete structures including graphs and matrices;

(c) Interpret and solve single and multi-step word problems involving adding, subtracting, multiplying and dividing whole numbers, decimals, fractions and percentages;

(d) Create and use different forms of a variety of equations, proportions and/or formulas to solve mathematical problems;

(e) Solving problems involving structure, language and uses of different systems of measure;

(f) Use principles of geometry to solve mathematical problems;

(g) Solve problems using various data analysis techniques including single and multi-step probability experiments, measures of central tendency and sampling.

2. Pupils may be tested in the areas listed in subsection 1 in their:

(a) Understanding of mathematical concepts;

(b) Knowledge of procedures to be used to solve a problem; and

(c) Abilities to reason and solve problems.

3. The examination must emphasize the ability to solve problems and to perform calculations in the following areas of mathematics:

(a) Numbers and operations;

(b) Algebra and functions;

(c) Measurements;

(d) Geometry; and

(e) Data Analysis, including probability and statistics.

SECTION 28. Nevada High School Proficiency Examination in Science {Effective September 1, 2001}

1. Each edition of the Nevada High School Proficiency Examination in Science must be based on the Nevada State Standards in Science, adopted August 1998, and assess pupils' skills in the following areas:

(a) Physical Science including: Forces and Motion, Structure and Properties of Matter, Energy, Chemical reactions, Nuclear and Electromagnetic Energy;

(b) Life Science including: Structure and Function, Anatomy/Physiology and Behavior, Heredity and Diversity, Evolution;

(c) Earth Science including: Earth structures and composition, Earth Models, Earth History, Cycles of Matter and Energy, Solar System and Universe;

(d) Environmental Science including: Ecosystems, Natural Resources, Conservation;

(e) Historical and Technological perspectives of science;

(f) Science reasoning and critical thinking; and

(g) Systems, models, and predictions.

2. Pupils may be tested in the areas identified in subsection 1 in their:

(a) Understanding of the basic concepts, terms and historical basis of science;

(b) Understanding of the general organizing principles of science; and

(c) Abilities to understand and apply the skills and procedures needed to design and perform scientific investigations.

SECTION 29. NAC 389.083 Maintenance of results of examinations and list of names and scores.

1. A school district shall keep the results of all examinations administered pursuant to NRS 389.015 to pupils in grades 4 and 8 for 4 years after the date of the administration of the examination.

2. 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 examination.

3. A school district shall keep the results of all examinations administered pursuant to NRS 389.550 to pupils in grades 3 and 5 for 2 years after the date of the administration of the examination.

Requirements for Diploma

SECTION 30. NAC 389.655 Passage of proficiency examinations.

1. A pupil must not be given a standard diploma until ~~he~~ *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; and

(c) The Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above.

2. After entering grade 11, if a pupil passes one of the high school proficiency examinations, ~~he~~ *the pupil* is not required to take that examination again to graduate.

3. For pupils who enroll in grade 11 in the 1997-1998 school year, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, 70 percent of the questions on the examination answered correctly.
- (b) In mathematics, 61 percent of the questions on the examination answered correctly.
- (c) In writing, 7.

4. For pupils who enroll in grade 11 in the 1998-1999, *1999-2000 or 2000-2001* school years, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, a scaled score of 71.
- (b) In mathematics, a scaled score of 64.
- (c) In writing, 7.

5. A passing score that is in effect at the time that a pupil enrolls in grade 11 will remain in effect for 1 year after the pupil's anticipated completion of grade 12.

6. For pupils who enroll in an adult high school diploma program after July 1, 2000, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, a scaled score of 71.
- (b) In mathematics, a scaled score of 64.
- (c) In writing,

7. For pupils who enroll in an adult high school diploma program after July 1, 2001, passing scores on the high school proficiency examinations will be set by the state board of education.

SECTION 31. NAC 389.655 Passage of proficiency examinations. {Effective September 1, 2001}

1. A pupil must not be given a standard 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; and*

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

(d) The Nevada High School Proficiency Examination in Writing for the Eleventh Grade and above.

2. After entering grade 11, if a pupil passes one of the high school proficiency examinations, the pupil is not required to take that examination again to graduate.

3. For pupils who enroll in grade 11 in or after the 2001-2002 school year, passing scores on the high school proficiency examinations will be set by the state board of education.

4. A passing score that is in effect at the time that a pupil enrolls in grade 11 will remain in effect for 1 year after the pupil's anticipated completion of grade 12.

5. For pupils who enroll in an adult high school diploma program after July 1, 2001, passing scores on the high school proficiency examinations will be set by the state board of education.

LCB File No. T055-01

**ADOPTED TEMPORARY REGULATION OF THE
STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 389, Nevada Proficiency Examination Program**

SEC INFORMATION STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 389, Nevada Proficiency Examination Program:

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

The Notice of Workshop to Solicit Public Comments on Proposed Regulations was sent to approximately one-hundred twenty-five individuals and educational organizations on the State Board Mail List. One workshop was held by on March 6, 2001. There were comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing on the proposed revisions was sent to approximately one-hundred twenty-five individuals and educational organizations on the State Board Mail List. Three public hearings were conducted on March 3, April 7 and May 19, 2001, to provide the opportunity for comments by affected parties and the public. There were comments from the public.

2. The Number of Persons Who:

a) Attended Each Hearing: Workshop: 16 1st Hearing: 9 2nd Hearing: 13 3rd Hearing: 12

b) Testified at Each Hearing: Workshop: 3 1st Hearing: 1 2nd Hearing: 2 3rd Hearing: 2

and,

c) Submitted Written Statements: Workshop: 0 1st Hearing: 0 2nd Hearing: 1 3rd Hearing: 0

One written comment was received at the April 7, 2001, public hearing: Letter dated March 15, 2001, from Dr. James Hager, Superintendent, Washoe County School District, to provide testimony to extend the eligibility to take the High School Proficiency Examination to include those students in the final two semesters or trimesters before anticipated graduation date.

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.

Comment was solicited through the workshop notice of January 31, 2001, and public hearing notices of January 31, March 7, and April 16, 2001.

At the Workshop to Solicit Comments on March 6, 2001, three individuals from the public gave comment regarding the proposed revisions to regulation: 1) Dr. Judy Costa, Director, Testing and Evaluation, Clark County School District, recommended that language be included to allow optional testing dates for year round schools, and was concerned for limiting the number of opportunities for students to take the High School Proficiency Examination until after the new examinations are implemented; 2) Dotty Merrill, Director, Government Relations and Testing Services, Washoe County School District, supported the proposed language for eligibility to take the High School Proficiency examination and recommended including language that allows student sin their final two semesters of planned graduation date to be able to take the tests; and, Jane Kadoich, Assistant Director, Guidance Program, Clark County School District, advised that the school district has received positive responses from parents and students regarding grade levels based on credit requirement and agreed with Ms. Merrill's comments to accommodate students in their final two semesters of graduation to be allowed to take the test.

At the public hearing held March 3, 2001, one individual spoke to the proposed regulation: Teresa Beaker, parent, Las Vegas expressed concern for a state graduation test and opposed any change to the current High School Proficiency Examination.

At the public hearing held April 7, 2001, two individuals spoke to the proposed regulation: Dotty Merrill, Government Affairs Representative and Director, Student Testing and Assessments, Washoe County School District, spoke in agreement with the revised timelines and was opposed to the proposed language for credit requirements for eleventh grade students; and Dr. Gene Butler, Acting Director, Secondary Curriculum, Clark County School District, concurred with Ms. Merrill's comments.

At the public hearing held May 19, 2001, one individual spoke to the proposed regulation: Jeanne Ohl, CRT Specialist, Washoe County School District, addressed several issues in the proposed language: 1) opposed to language defining trimester; 2) to provide an opportunity in summer for eleventh graders who have participated in a remedial or summer school program; 3) clarification of tenth graders to be tested in April; and, 4) optional testing date will not allow enough time for April test results to be received to provide effective remediation.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (775) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson City, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The temporary regulation language was adopted by the Nevada State Board of Education at the public hearing held May 19, 2001, with amendment to the proposed testing timeline as follows: 1) to include a tenth grade April administration of Reading and Mathematics starting in 2002; 2) to continue to allow students leaving eleventh grade to test in the summer; 3) after 2002, to hold the fall administration in November rather than in October; and 4) to provide an optional testing date for twelfth graders two weeks prior to graduation.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

There is no anticipated economic effect on the business which it to be regulated nor on members of the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are none.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide or involve a new fee.

6/18/01