

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

LCB File No. R019-98

March 2, 1998

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

AUTHORITY: §§1-10, NRS 385.080 and 389.015.

Section 1. 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 shall administer the examinations required by NRS 389.015 in each public school in that district which has the appropriate grades at the following times:

(a) For [grade] *grades 4, 8 and 10*, the examinations *in reading, language, mathematics and science* must be administered between October 2 and October 27.

(b) For grade 8, the examination in writing must be administered on the date specified by the department of education.

(c) [For grade 8, the examinations in reading and mathematics must be administered between October 2 and October 27.

(d)] For grade 11, the examination in writing must be administered on the second Wednesday in February.

[(e) (d)] For grade 11, the examinations in reading and mathematics must be administered at some time Monday through Friday during the week of the third Wednesday in October, for diagnostic purposes only, and during the week of the third Wednesday in April.

[(f)] (e) For grade 12, the examination in writing must be administered to pupils who must pass the examination to graduate, on the second Wednesday in February, the fourth Thursday in April, the third Thursday in July and the third Wednesday in October.

[(g)] (f) For grade 12, the examinations in reading and mathematics must be administered to pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the second Wednesday in February, the fourth Thursday in April, the third Thursday in July and the third Wednesday in October.

[(h)] (g) For adults, the examination in writing must be administered to pupils who must pass the examination to graduate, on the second Wednesday in February, the fourth Thursday in April, the third Thursday in July and the third Wednesday in October.

[(i)] (h) For adults, the examinations in reading and mathematics must be administered to pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the second Wednesday in February, the fourth Thursday in April, the third Thursday in July and the third Wednesday in October.

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 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 proficiency testing unit of the department of education to establish another date for the administration of that examination. The proficiency testing unit shall provide the board of trustees 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 grade level if his primary language was 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 an adult or a pupil in grade 12;

(b) That person, through no fault of his 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.

Sec. 2. 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 shall administer the examinations required by NRS 389.015 in each public school in that district which has the appropriate grades at the following times:

(a) For grades 4, 8 and 10, the examinations in reading, language, mathematics and science must be administered between October 2 and October 27.

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

(c) For grade 11, the examination in writing must be administered on the second Wednesday in February.

(d) For grade 11, the examinations in reading and mathematics must be administered at some time Monday through Thursday during the week of:

(1) The first Wednesday in October; and

(2) The third [~~Wednesday~~] *Thursday* in April for pupils who must pass the examinations to graduate.

(e) For grade 12, the examination in writing must be administered to pupils who must pass the examination to graduate, on the [~~fourth~~] *second* Wednesday in [~~January,~~] *February*, the third Thursday in April, the third Thursday in [~~July~~] *June* and the first Wednesday in October.

(f) For grade 12, the examinations in reading and mathematics must be administered to pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the [~~fourth~~] *second* Wednesday in [~~January,~~] *February*, the third Thursday in April, the third Thursday in [~~July~~] *June* and the first Wednesday in October.

(g) For adults, the examination in writing must be administered to pupils who must pass the examination to graduate, on the [~~fourth~~] *second* Wednesday in [~~January,~~] *February*, the third Thursday in April, the third Thursday in [~~July~~] *June* and the first Wednesday in October.

(h) For adults, the examinations in reading and mathematics must be administered to pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the [~~fourth~~] *second* Wednesday in [~~January,~~] *February*, the third Thursday in April, the third Thursday in [~~July~~] *June* and the first Wednesday in October.

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 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 proficiency testing unit of the department of education to establish another date for the administration of that examination. The proficiency testing unit shall provide the board of trustees 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 grade level if his primary language was 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 [an adult or] a pupil in grade 12;

(b) That person, through no fault of his 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.

Sec. 3. NAC 389.056 is hereby amended to read as follows:

389.056 Achievement and proficiency examinations must be administered as follows:

1. For [grade 4, all] *grades 4, 8 and 10, the reading, mathematics, language and science* examinations must be administered pursuant to the instructions in “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 must be included in the regular administration of the examination if he can be adequately tested under acceptable accommodations as set forth in the “Nevada Proficiency Examination Program, TerraNova Grades 4, 8, and 10 Test Coordinator’s Manual,” copyright 1997 by CTB/McGraw-Hill.*

2. For grade [8, examinations in reading and mathematics] *4, the examination in writing* must be administered pursuant to the instructions in [“Comprehensive Test of Basic Skills,

TerraNova, Test Directions for Teachers: Level 14/22,” copyright 1996 by CTB/McGraw-Hill.]
the current edition of “Administration Manual: Nevada Fourth Grade Proficiency Examination in Writing,” adopted by the department of education.

3. For grade 8, the examination in writing must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada Eighth Grade Proficiency Examination in Writing,” 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 Examination Mathematics, Reading and Writing,” adopted by the department of education.

Sec. 4. NAC 389.061 is hereby amended to read as follows:

389.061 Except as otherwise provided in NAC 389.063, the following examinations must be used as examinations of achievement and proficiency:

1. For grade 4 [, the] :

(a) *The “Reading Composite,” “Mathematics [Composite] and Composite,” “Language Composite” and “Science” portions of Level 14, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.*

(b) *The Nevada Proficiency Examination in Writing for the Fourth Grade prescribed by the department of education for each testing period.*

2. For grade 8:

(a) *The “Reading [Composite] and “Mathematics Composite”] Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 18, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.*

(b) The Nevada Proficiency Examination in Writing for the Eighth Grade prescribed by the department of education for each testing period.

3. *For grade 10, the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 20, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.*

4. For grades 11 and above:

(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.

Sec. 5. NAC 389.063 is hereby amended to read as follows:

389.063 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 [and 8.] , 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 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, he 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, he is not required to complete the examination of reading and writing prescribed in subsection 1.

Sec. 6. NAC 389.066 is hereby amended to read as follows:

389.066 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 , [or] language *or science* at or below the 25th percentile of the national norms for that examination.

2. [For grade 8, a score on the examination in reading or mathematics at or below the 25th percentile of the national norms for that examination.

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

Sec. 7. NAC 389.655 is hereby amended to read as follows:

389.655 1. A pupil must not be given a standard diploma until he 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 is not required to take that examination again to graduate.

3. **[Passing]** *For grade 12, passing* scores on the high school proficiency examinations are as follows:

(a) In reading, 400.

(b) In mathematics, 400.

(c) In writing, 7.

4. *For grade 11, the state board of education will prescribe passing scores on the high school proficiency examinations in reading and mathematics. A passing score on the examination in writing is 7.*

5. A pupil must not be allowed to take any one of the high school proficiency examinations more than **[5]** *five* times between the beginning of grade 11 and July 31 of the year in which the pupil is in grade 12.

Sec. 8. Section 3 of LCB File No. 115-97, which was adopted by the state board of education and was filed with the secretary of state on December 10, 1997, is hereby amended to read as follows:

Sec. 3. 1. Except as otherwise provided in subsection 2, calculators may not be used by pupils taking the Nevada Proficiency Examination in Mathematics or the Nevada High School Proficiency Examination in Mathematics.

2. Each school district shall provide the pupils in a fourth grade , **[or]** eighth grade *or tenth grade* class within the district with the option of using calculators

on Part 2 of the “Mathematics Composite” portion of the Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus, if the pupils are routinely authorized to use calculators on other examinations administered to the class.

Sec. 9. Section 6 of LCB File No. 115-97, which was adopted by the state board of education and was filed with the secretary of state on December 10, 1997, is hereby amended to read as follows:

Sec. 6. 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 shall administer the examinations required by NRS 389.015 in each public school in that district which has the appropriate grades at the following times:

(a) For grades 4, 8 and 10, the examinations in reading, language, mathematics and science must be administered between October 2 and October 27.

(b) For grade 8, the examination in writing must be administered on the date specified by the department of education.

(c) For grade 11, the examination in writing must be administered on the second Wednesday in February.

(d) For grade 11, the examinations in reading and mathematics must be administered at some time Monday through ~~Friday~~ *Thursday* during the week of ~~the third~~ :

(1) The first Wednesday in October [, ~~for diagnostic purposes only, and during the week of the~~] ; *and*

(2) *The third Wednesday in April [.] for pupils who must pass the examinations to graduate.*

(e) For grade 12, the examination in writing must be administered to pupils who must pass the examination to graduate, on the [second] *fourth* Wednesday in [February, the fourth] *January, the third* Thursday in April, the third Thursday in July and the [third] *first* Wednesday in October.

(f) For grade 12, the examinations in reading and mathematics must be administered to pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the [second] *fourth* Wednesday in [February, the fourth] *January, the third* Thursday in April, the third Thursday in July and the [third] *first* Wednesday in October.

(g) For adults, the examination in writing must be administered to pupils who must pass the examination to graduate, on the [second] *fourth* Wednesday in [February, the fourth] *January, the third* Thursday in April, the third Thursday in July and the [third] *first* Wednesday in October.

(h) For adults, the examinations in reading and mathematics must be administered to pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the [second] *fourth* Wednesday in [February, the fourth] *January, the third* Thursday in April, the third Thursday in July and the [third] *first* Wednesday in October.

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 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 proficiency testing unit of the department of education to establish another date for the administration of that examination. The proficiency testing unit shall provide the board of trustees 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 grade level if his primary language was 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 an adult or a pupil in grade 12;
- (b) That person, through no fault of his 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.

Sec. 10. 1. This section and sections 1 and 3 to 9, inclusive, of this regulation become effective upon filing with the secretary of state.

2. Section 2 of this regulation becomes effective at 12:01 a.m. on July 1, 1998.