

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

**LCB File No. R065-99**

September 1, 1999

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

AUTHORITY: §§1-6 and 18, NRS 385.080; §§7-17 and 19, NRS 385.080 and 389.015.

**Section 1.** Chapter 389 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *“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. 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.*

**Sec. 3.** *“High school proficiency examinations” means the criterion-referenced examinations in the areas of writing, mathematics 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.*

**Sec. 4.** *“Norm-referenced examination” means an examination that:*

- 1. Is created by a private entity;*

2. *Is administered to a national reference group; and*
3. *Allows for a comparison of the achievement and proficiency of a pupil in this state to the achievement and proficiency of pupils in the national reference group who are of the same age, ability, gender and ethnic background.*

**Sec. 5. 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 section 11 of chapter 621, Statutes of Nevada 1999, 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 section 8 of chapter 621, Statutes of Nevada 1999;*

*(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;*

*(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.*

**Sec. 6.** 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 389.040, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

**Sec. 7.** 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 required by NRS 389.015 in each public school in that district *and each charter school* 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.]~~

*in October on the date specified by the department of education.*

(b) For 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~~

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~~—(2) The third Thursday in April for pupils who must pass the examinations to graduate.~~  
~~—(e)] on the date specified by the department of education.~~

(d) For grade 12 ~~[,]~~ *and for adults*, the examination in writing must be administered ~~[to~~  
~~pupils who must pass the examination to graduate, on the second Wednesday]~~ in :

(1) February ~~[, the third Thursday in April, the third Thursday in June and the first~~  
~~Wednesday in October.~~

~~—(f) For grade 12,];~~

(2) *April;*

(3) *June, July or August; and*

(4) *October,*

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*on the respective dates specified by the department of education.*

(e) *For grades 11 and 12 and 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 :

(1) February ~~[, the third Thursday in April, the third Thursday in];~~

(2) *April;*

(3) *June, July or August; 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 second Wednesday in February, the third Thursday in April, the~~  
~~third Thursday in 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 second Wednesday in February, the third Thursday in April, the third Thursday in June and the first Wednesday in October.]~~

*(4) October,*

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*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 ~~[proficiency testing unit]~~ *standards, curricula and assessments team* of the department of education to establish another date for the administration of that examination. ~~[The proficiency testing unit]~~ *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 grade level if his primary language ~~[was]~~ *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 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 English and mathematics 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.*

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**Sec. 8.** 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 required by NRS 389.015 in each public school in that district and each charter school which has the appropriate grades at the following times:

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

(b) For 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 in February on the date specified by the department of education.

(d) 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,

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(e) 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,

FLUSH 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 grade level if his 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 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 English ~~[and]~~, 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.

**Sec. 9.** NAC 389.054 is hereby amended to read as follows:

389.054 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 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 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 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 required by NRS 389.015 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 must be administered:

(a) In a ~~public~~ 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.*

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**Sec. 10.** NAC 389.0565 is hereby amended to read as follows:

389.0565 1. Except as otherwise provided in ~~[subsection 2,]~~ *subsections 2 and 3,* calculators may not be used by pupils taking ~~[the Nevada Proficiency Examination in Mathematics]~~ *an examination in mathematics described in subsection 1, 2 or 3 of NAC 389.061* or the Nevada High School Proficiency Examination in Mathematics.

2. Each school district shall provide the pupils in a 4th grade, 8th grade or 10th 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.

*3. A pupil may use a calculator while taking the Nevada High School Proficiency Examination in Mathematics if he is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his individual education plan specifies that he may use a calculator for assessment purposes.*

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**Sec. 11.** NAC 389.0565 is hereby amended to read as follows:

389.0565 1. Except as otherwise provided in ~~[subsections 2 and 3,]~~ *this section,* calculators may not be used by pupils taking an examination in mathematics described in subsection 1, 2 or 3 of NAC 389.061 or the Nevada High School Proficiency Examination in Mathematics.

2. Each school district shall provide the pupils in a 4th grade, 8th grade or 10th 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.

3. A pupil may use a calculator while taking the Nevada High School Proficiency Examination in Mathematics if he is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his individual education plan specifies that he may use a calculator for assessment purposes.

*4. A pupil may use a calculator while taking a portion of the Nevada High School Proficiency Examination in Mathematics if the department of education has specified that a calculator may be used while taking that portion of the examination.*

**Sec. 12.** NAC 389.057 is hereby amended to read as follows:

389.057 1. A pupil who fails a proficiency examination administered during grade 11 is eligible to be reexamined ~~[during grade 12 at the]~~ *at any* time that the examination is administered pursuant to NAC 389.051.

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

**Sec. 13.** NAC 389.059 is hereby amended to read as follows:

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 to a person or governmental agency.

2. The department may report the aggregated scores of five or more pupils. ~~[For the purpose of reporting the scores of pupils:]~~

~~—(a) The scores of two or more groups that contain fewer than five pupils may be combined if the total number of pupils equals five or more; and~~

~~—(b) The scores of a group that contains fewer than five pupils may be combined with the scores of a group that contains five or more pupils.]~~

**Sec. 14.** NAC 389.061 is hereby amended to read as follows:

389.061 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 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. 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. 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.

4. 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,

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prescribed by the department of education for each testing period.

**Sec. 15.** NAC 389.076 is hereby amended to read as follows:

389.076 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 ~~{such as}~~, *including, without limitation*, periodicals, manuals, handbooks and other publications.

~~[4. All questions on the examination must be presented as multiple choice questions.]~~

**Sec. 16.** NAC 389.081 is hereby amended to read as follows:

389.081 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 involving measurements;

(e) Geometry; and

(f) 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 the 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, probabilities and statistics; and
- (e) Algebra and functions.

~~[4. All questions on the examination must be presented as multiple choice questions.]~~

**Sec. 17.** 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. ~~[For pupils who enroll in grade 12 in the 1997-1998 school year, 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 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.

~~[5.— A pupil must not be allowed to take any one of the high school proficiency examinations more than five times between the beginning of grade 11 and June 30 of the year in which the pupil is in grade 12.]~~

*4. For pupils who enroll in grade 11 in the 1998-1999 school year, 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.*

**Sec. 18.** NAC 389.506 is hereby repealed.

**Sec. 19.** Sections 8 and 11 of this regulation become effective on September 1, 2000.



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**TEXT OF REPEALED SECTION**

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**389.506 Economics of American system of free enterprise.** In addition to the instruction required in NRS 389.080, a course of study in the economics of the American system of free enterprise must include instruction designed to teach the pupil to do the following:

1. Understand the basic concepts of economics.
2. Describe the history of the American system of free enterprise.
3. Explain the role of government in the American economy.
4. Explain the economic interdependence of the countries of the world.