

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

LCB File No. R155-07

Effective January 30, 2008

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

AUTHORITY: §§1 and 2, NRS 385.080 and 389.805.

A REGULATION relating to education; prescribing alternative criteria for the receipt of a standard high school diploma for certain pupils who fail to pass the writing portion of the high school proficiency examination; and providing other matters properly relating thereto.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A pupil who is currently enrolled in the 12th grade and who satisfies the requirements of paragraph (b) of subsection 1 of NRS 389.805 may demonstrate proficiency in writing by submitting to the Department of Education three separate writing samples.

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

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

(b) Include:

(1) One narrative or descriptive essay;

(2) One expository or persuasive essay; and

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

(I) A research paper;

(II) A technical writing; or

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

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

3. The Department of Education shall prescribe the dates by which the writing samples must be submitted to ensure that a pupil is granted the opportunity to satisfy the requirements of this section before graduation from high school. A pupil shall submit the writing samples on or before the dates specified by the Department.

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

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

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

Sec. 2. NAC 389.655 is hereby amended to read as follows:

389.655 1. ~~[A]~~ *Except as otherwise provided in subsection 9, a* pupil must not be given a standard *high school* diploma until the pupil has, after entering grade 11, passed:

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

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

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

↪ For pupils who graduate from high school before the 2004-2005 school year, the Nevada High School Proficiency Examination in Science must be used solely to gather information and data concerning the examination and must not be used as a condition for receipt of a high school diploma.

2. After entering grade 10, 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 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 school year, the 1999-2000 school year or the 2000-2001 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. On or before January 1, 2002, the State Board of Education will set the passing scores on the high school proficiency examinations for pupils who enroll in grade 11 in the 2001-2002 school year or thereafter. In making its determination of the appropriate passing scores, the State

Board of Education will consider the scores received by pupils in the October 2001 administration of the examinations. The Department of Education shall provide notice to each school district and charter school of the passing scores that are set at least until such time as the scores are codified in regulation.

6. 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.

7. For pupils who enroll in an adult high school diploma program after July 1, 2000, but before July 1, 2003, 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.

8. For pupils who enroll in an adult high school diploma program after July 1, 2003, passing scores on the high school proficiency examinations are the scores that are set by the State Board of Education pursuant to subsection 5.

9. A pupil who fails to pass the Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above must receive a standard high school diploma if he:

- (a) Satisfies the requirements of paragraph (b) of subsection 1 of NRS 389.805;*
- (b) Satisfies the requirements of section 1 of this regulation; and*
- (c) Has not previously failed to satisfy the requirements of section 1 of this regulation.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R155-07**

The State Board of Education adopted regulations assigned LCB File No. R155-07 which pertain to chapter 389 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

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.

Notice of Workshop to Solicit Comments on Proposed Regulations was sent to approximately 200 individuals and educational organizations. A workshop was held on October 5, 2007. There was no public comment.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the amendments and a New Section to NAC 389 and NAC 387.655 – Alternative Criteria to the High School Proficiency Examination was sent to approximately 200 individuals and educational organizations. The public hearing was conducted on November 30, 2007 to provide the opportunity for comments by affected parties and the public. There was public comment. The State Board of Education adopted the proposed amendments to the regulations as submitted.

2. The Number of Persons Who:

- a) Attended Each Hearing: First Workshop: 5; First Hearing: 31; Second Hearing: N/A
- b) Testified at Each Hearing: First Workshop: 0; First Hearing: 2; Second Hearing: N/A
- c) Submitted Written Statements: First Workshop: 0; First Hearing: 0; Second Hearing: N/A

A copy of any written comments may be obtained by contacting Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, or by writing to the Nevada Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

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

Comments were solicited through the workshop notice of September 12, 2007; and the public hearing notice of October 23, 2007. At the October 5, 2007 Workshop to Solicit Comments, there were no public comments to the proposed amendments to the regulation language. At the November 30, 2007 public hearing there were public comments to the proposed amendments to the regulation language.

Summary of Comments:

Workshop/Public Hearing Comments:

Workshop comments:

- (a) There were no public comments during the workshop.

Public Hearing comments:

- (b) Paul LaMarca, Assistant Superintendent of Washoe County School District, applauded the Nevada Department of Education staff for the work on the proposed regulation and supported the document as written.
- (c) Kaweeda G. Adams, Instruction and Facilities Administration Director for Clark County School District, stated that she served on the committee and the proposed language gives samples of the writing.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Doris Arnold, Executive Assistant, Nevada Department of Education, 775-687-9217, or by writing to the Nevada 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 Nevada State Board of Education adopted the proposed amendments to the regulation language at the public hearing held November 30, 2007. The reason for adopting the amendments to the regulation reflects revisions as a result of SB 312 of the 2007 Nevada State Legislature to be adopted on or before January 1, 2008 that prescribe alternative criteria for a pupil to receive a high school diploma.

5. The estimated economic effect of the adopted regulation on the business that 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 public. There is no estimated cost for endorsement to the regulating agency.

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 governmental 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 governmental agency regulations will be overlapped or duplicated by the above noted regulation. 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 for a new fee or increase an existing fee.