

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

LCB File No. R037-12

March 29, 2012

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

AUTHORITY: §§1 and 2, NRS 385.080, 389.015 and 389.550; §3, NRS 385.080 and 392.033; §4, NRS 385.080, 389.015 and 389.805; §§5 and 8, NRS 385.080; §6, NRS 385.080 and 389.015; §7, NRS 385.080 and 385.110.

A REGULATION relating to education; revising provisions governing the administration of examinations for the achievement and proficiency of pupils; revising provisions governing the units of credit which a pupil must earn to be promoted to high school and the next higher grade level; revising provisions governing the units of credit a pupil must earn to receive a standard diploma; prescribing when a pupil must earn the units of credit towards graduation from high school; and providing other matters properly relating thereto.

Section 1. NAC 389.061 is hereby amended to read as follows:

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

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

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

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

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

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

4. For grade 6, the criterion-referenced examinations that must be used are the Nevada Criterion-Referenced Examinations in Mathematics and Reading prescribed by the Department of Education for each testing period. Each edition of those examinations must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

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

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

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

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

7. For grade 10, the criterion-referenced examinations that must be used are:

- (a) The Nevada High School Proficiency Examination in Reading;
- (b) The Nevada High School Proficiency Examination in Mathematics; and
- (c) ~~Commencing with the graduating class of the 2009-2010 school year, the~~ *The* Nevada High School Proficiency Examination in Science,

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

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

- (a) The Nevada High School Proficiency Examination in Reading;
- (b) The Nevada High School Proficiency Examination in Mathematics;
- (c) ~~Commencing with the graduating class of the 2009-2010 school year, the~~ *The* Nevada High School Proficiency Examination in Science; and

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

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

Sec. 2. NAC 389.083 is hereby amended to read as follows:

389.083 1. A school district shall keep the results of all examinations ~~⌈~~:

~~—(a) Administered pursuant to NRS 389.015 to pupils in grades 4, 7 and 10 for 4 years after the date of the administration of the examinations.~~

~~—(b) Administered~~ *administered* pursuant to NRS 389.550 to pupils in grades 3 through 8 for 4 years after the date of the administration of the examinations.

2. The Department of Education shall keep the results of all examinations ~~⌈~~:

~~—(a) Administered pursuant to NRS 389.015 to pupils in grades 4, 7 and 10 for 4 years after the date of the administration of the examinations.~~

~~—(b) Administered~~ *administered* pursuant to NRS 389.550 to pupils in grades 3 through 8 for 4 years after the date of the administration of the examinations.

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

Sec. 3. NAC 389.445 is hereby amended to read as follows:

389.445 1. ~~Except as otherwise provided in subsection 6, a pupil who enrolls in a junior high or middle school for the 1999-2000 school year must earn at least the following units of credit during the seventh and eighth grades for promotion to high school:~~

~~—(a) One unit of credit in language with a passing grade; and~~

~~—(b) One unit of credit in mathematics with a passing grade.~~

~~2. Except as otherwise provided in subsection 6, a pupil who enrolls in a junior high or middle school after the 1999-2000 school year and who enrolls in the seventh grade before the 2008-2009 school year must earn at least the following units of credit during the seventh and eighth grades for promotion to high school:~~

~~—(a) One and one-half units of credit in language with a passing grade; and~~

~~—(b) One and one-half units of credit in mathematics with a passing grade.~~

~~3.] Except as otherwise provided in subsection [6,] 4, a pupil [who enrolls in the seventh grade for the 2008-2009 school year or after] must earn at least the following units of credit~~

during the seventh and eighth grades for promotion to high school:

(a) One and one-half units of credit in English with a passing grade;

(b) One and one-half units of credit in mathematics with a passing grade;

(c) One unit of credit in science with a passing grade; and

(d) One unit of credit in social studies with a passing grade.

~~[4.]~~ 2. A pupil may apply units of credit toward promotion to high school if the pupil earned the units of credit:

(a) At a public or private junior high or middle school located in this State.

(b) At a public or private junior high or middle school located outside of this State if the school district approves a transfer of the units in accordance with the procedure adopted by the board of trustees of the school district pursuant to subsection 3 of NRS 392.033.

(c) At the Nevada Youth Training Center or the Caliente Youth Center.

(d) During summer school in courses offered by a public or private junior high or middle school. Such units must be earned in courses which are equivalent to the courses offered in the programs of the junior high or middle school in which the pupil is enrolled.

(e) While being homeschooled in this State or homeschooled outside of this State if the school district approves the units in accordance with NRS 392.033.

~~[5.]~~ 3. If a pupil earns units of credit for sectarian religious courses, he or she may not apply those units toward promotion to high school.

~~[6.]~~ 4. A pupil with a disability who is enrolled in a program of special education may be promoted to high school if the pupil meets the requirements for promotion to high school that are prescribed in his or her individualized educational program.

~~[7.]~~ 5. If a pupil transfers to a junior high or middle school from a junior high or middle school in this State or from a school outside of this State, the courses of study and units of credit completed by the pupil before transferring must be evaluated by the school district that the pupil transfers to in accordance with the procedure adopted by the board of trustees of the school district pursuant to subsection 3 of NRS 392.033.

~~[8.]~~ **6.** For purposes of paragraph (a) of subsection 5 of NRS 392.033, the board of trustees of a school district may consider recognition of the programs of homeschool study accredited by ~~[the following]~~ a national or regional accrediting ~~[associations]:~~

- ~~—(a) Middle States Association of Colleges and Schools;~~
- ~~—(b) New England Association of Schools and Colleges;~~
- ~~—(c) North Central Association of Colleges and Schools;~~
- ~~—(d) Northwest Association of Accredited Schools;~~
- ~~—(e) Southern Association of Colleges and Schools;~~
- ~~—(f) Western Association of Schools and Colleges;~~
- ~~—(g) Commission on International and Trans-Regional Accreditation; or~~
- ~~—(h) Any other national or regional accrediting]~~ association recognized by the board of trustees of the school district.

Sec. 4. NAC 389.655 is hereby amended to read as follows:

389.655 1. Except as otherwise provided in subsections 2 and 3, 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;
- (c) The Nevada High School Proficiency Examination in Writing; and
- (d) ~~[Commencing with the graduating class of the 2009-2010 school year, the]~~ *The* Nevada High School Proficiency Examination in Science.

2. A pupil who fails to pass the Nevada High School Proficiency Examination in Writing must receive a standard high school diploma if the pupil:

- (a) Satisfies the requirements of paragraph (b) of subsection 1 of NRS 389.805;

(b) Satisfies the requirements of NAC 389.657; and

(c) Has not previously failed to satisfy the requirements of NAC 389.657.

3. A pupil who fails to pass the Nevada High School Proficiency Examination in Science must receive a standard high school diploma if the pupil:

(a) Satisfies the requirements of paragraph (b) of subsection 1 of NRS 389.805;

(b) Satisfies the requirements of section 1 of LCB File No. R037-09, which was adopted by the State Board of Education and filed with the Secretary of State on October 27, 2009; and

(c) Has not previously failed to satisfy the requirements of section 1 of LCB File No. R037-09, which was adopted by the State Board of Education and filed with the Secretary of State on October 27, 2009.

Sec. 5. NAC 389.659 is hereby amended to read as follows:

389.659 1. If a pupil enrolls in the 9th grade : ~~[during or after the 1999-2000 school year:]~~

(a) Except as otherwise provided in subsection 2, the pupil must:

(1) Earn a minimum of 5 units of credit or complete 2 semesters of high school to be promoted to the 10th grade.

(2) Earn a minimum of 11 units of credit or complete 4 semesters of high school to be promoted to the 11th grade.

(3) Earn a minimum of 17 units of credit or complete 6 semesters of high school to be promoted to the 12th grade.

(b) A school district shall evaluate the transcripts of the pupil if he transferred to a high school within the school district from another high school located outside the school district, whether located inside or outside this State, to determine the grade level for which the pupil qualifies pursuant to paragraph (a).

2. The superintendent of a local school district may waive the requirement set forth in:

(a) Subparagraph (1) of paragraph (a) of subsection 1 if:

(1) The local school district is a school district in which the 9th grade is taught in a junior high or middle school; and

(2) He determines that extenuating circumstances exist; and

(b) Subparagraph (3) of paragraph (a) of subsection 1 if he determines that extenuating circumstances exist.

Sec. 6. NAC 389.661 is hereby amended to read as follows:

389.661 1. Except as otherwise provided in subsection 2, a pupil ~~who enrolls in the 11th grade during or after the 1999-2000 school year and~~ who has failed any of the high school proficiency examinations two or more times must enroll in remedial study that is provided pursuant to NAC 389.660.

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

Sec. 7. NAC 389.664 is hereby amended to read as follows:

389.664 1. Except as otherwise provided in ~~subsections~~ *subsection 2*, ~~and 3,~~ to receive a standard diploma evidencing graduation from high school, a pupil must, in addition to having passed the proficiency examination required by NRS 389.015, have earned a minimum of 15 units of credit for required courses and 7 1/2 units of credit for elective courses for a total of at least 22 1/2 units of credit. The units for the required courses must be earned in accordance with the following table:

Minimum

Required Course	Number of Units
American government	1
American history	1
Arts and humanities, or career and technical education.....	1
English, including reading, composition and writing	4
Health education.....	1/2
Mathematics	3
Physical education.....	2
Use of computers.....	1/2
Science	2
TOTAL:	
	15

2. ~~[Except as otherwise provided in subsection 3, if a pupil enrolled in the ninth grade during or before the 1998-1999 school year, to receive a standard diploma evidencing graduation from high school, the pupil must, in addition to having passed the proficiency examination required by NRS 389.015, have earned a minimum of 1 unit of credit in American government, 1 unit of credit in American history, 1 unit of credit in arts and humanities, 4 units of credit in English, including reading, composition and writing, 1/2 unit of credit in health education, 2 units of credit in mathematics, 2 units of credit in physical education, 1/2 unit of credit in the use of computers and 2 units of credit in science, for a total of at least 14 units of credit for required courses. The units of credit required by this subsection are in addition to a minimum of 8-1/2~~

~~units of credit for elective courses that the pupil must have earned for a total of at least 22 1/2 units of credit.~~

~~—3.]~~ If a pupil satisfactorily completes a course of study in the use of computers during the sixth, seventh or eighth grade, the pupil is not required to take the course of study in the use of computers and must only earn a minimum of 14 1/2 units of credit for required courses pursuant to subsection 1 . ~~[for 13 1/2 units of credit for required courses pursuant to subsection 2.]~~ The course of study in the use of computers must be for at least one semester or trimester, or the equivalent, and must not be taught as part of another course of study. This subsection authorizes, but does not require, a school district to offer a course in the use of computers as part of the curriculum of a middle school.

Sec. 8. NAC 389.666 is hereby amended to read as follows:

389.666 ~~[Units]~~ *Except as otherwise provided in subsection 2 of NAC 389.664, units* of credit which a pupil may apply toward graduation from high school ~~[may]~~ *must* be earned ~~[:]~~ *after the pupil is promoted to high school. Such units may be earned:*

1. In a public or private high school located in this State.
2. In a public or private high school located outside this State if the school district approves a transfer of the units for this purpose.
3. In an institution of higher learning whose academic programs are accredited by a national accrediting organization.
4. In the Nevada Youth Training Center or the Caliente Youth Center.
5. In a course of independent study conducted in accordance with NAC 389.710 to 389.750, inclusive.