

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

LCB File No. R083-12

Effective November 1, 2012

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

AUTHORITY: §1, NRS 389.805.

A REGULATION relating to education; revising the 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. NAC 389.657 is hereby amended to read as follows:

389.657 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]~~ *expository* 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 and the certification required by subsection 4 to the appropriate testing department of the school district on or before the dates specified by the Department of Education. The testing department shall forward each packet to the Department of Education for scoring.

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.

NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION
LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066

LCB File No. R083-12

NAC 389.657 Alternative method to demonstrate proficiency in writing.

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code 389:

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 June 1, 2012. There was public comment

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of the R083-12 was sent to approximately 200 individuals and educational organizations. Public hearings were conducted on August 10 and October 5, 2012 to provide the opportunity for comments by affected parties and the public. There was public comment.

2. The Number of Persons Who:

a) Attended Each Hearing: First Workshop: 19; First Hearing: 25; Second Hearing: 22

b) Testified at Each Hearing: First Workshop: 1; First Hearing: 2; Second Hearing: 0

c) Submitted Written Statements: First Workshop: 0; First Hearing: 0

A copy of any written comments may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, 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 May 1, 2012 and a public hearing notice of July 6, 2012. At the June 1, 2012 workshop to Solicit Comment there was public comment to the proposed regulation. At the August 10, 2012 public hearing there was public comment to the proposed regulation. At the October 5, 2012 second public hearing there was no public comment. The Board adopted the proposed regulation at the October 5, 2012 hearing.

Summary of Comments:

Workshop comments:

Sue Daellenbach, Assistant Superintendent, Clark County School District (CCSD) stated that information regarding the alternative writing program is delivered through the schools and school counselors to eligible students.

Public Hearing Comments:

Isaac Barron, Teacher, stated that a better approach would be to have an exit exam per class. One concern is that students must fail twice before they can take the alternative test. If a student is new to the school district and a senior, there would not be enough time to take the alternative test; also, admitting three essays is a lengthy process. Mr. Barron asked what the recourse would be if it was discovered a student's essays was not their own after it had been scored.

Angie Sullivan, teacher, CCSD, stated that many of her friends with children who attended school in Las Vegas have moved out of state so their children can graduate because they could not pass the proficiency tests in Nevada.

A copy of the summary and/or minutes of the public hearing may be obtained by contacting Karen Johansen, Administrative Assistant, Nevada Department of Education, 775-687-9225, 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 regulation language at the public hearing held October 5, 2012. The reason for adopting the regulations is to revise the alternative criteria for the receipt of a standard diploma for certain pupils who fail to pass the writing portion of the high school proficiency examination.

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 economic effect on the public or the business it regulates.

There is no cost to the Department of education to adopt these regulations. There is no federal law affecting the proposed regulations. There is no duplication or overlap of state

or local governmental agencies. The proposed regulations do not establish a new fee nor increase an existing fee of 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.