

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

LCB File No. R155-13

Effective June 23, 2014

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

AUTHORITY: §§1-8, NRS 385.080 and 385.448.

A REGULATION relating to education; revising provisions governing high school equivalency assessments; selecting certain tests to be used for high school equivalency assessments; prescribing the minimum passing score for each high school equivalency assessment; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Education to select an assessment which enables a person who satisfies certain requirements to demonstrate that he or she has achieved an educational level which is an acceptable substitute for completing a high school education by taking a high school equivalency assessment. (NRS 385.448) This regulation replaces references to the tests of general educational development with references to the high school equivalency assessments. **Section 4** of this regulation adopts the General Educational Development Test, the HiSET Exam and the Test Assessing Secondary Completion as high school equivalency assessments and prescribes the minimum passing score for each assessment.

Existing regulations authorize a person who is at least 18 years of age and who passes the tests of general educational development to waive the units of credit required for an adult standard diploma. (NAC 385.404, 389.694) **Sections 2 and 7** of this regulation provide that a person who is at least 17 years of age, who is enrolled in an alternative program for the education of pupils at risk of dropping out of school and who passes a high school equivalency assessment may also waive the units of credit required for an adult standard diploma.

Existing regulations authorize a test site that has been approved by the Department of Education to issue a certificate of educational equivalence to each person who has passed the tests of general educational development. (NAC 385.420) **Section 6** of this regulation provides that such certificates will be issued in a manner determined by the Department.

Existing regulations authorize the board of trustees of a school district to allow a person who is 16 years of age who has withdrawn from high school so that he or she may take the tests of general educational development to attend an adult high school program only for the purpose of test preparation. (NAC 389.695) **Section 8** of this regulation authorizes the board of trustees of a

school district to allow a person who is 16 or 17 years of age to attend an adult high school program for that purpose.

Section 1. NAC 385.402 is hereby amended to read as follows:

385.402 ~~{Tests of general educational development}~~ *The high school equivalency assessments selected by the State Board pursuant to NRS 385.448* enable persons who have not graduated from high school to demonstrate that they have achieved an educational level which is an acceptable substitute for completing a high school education.

Sec. 2. NAC 385.404 is hereby amended to read as follows:

385.404 1. Any person who:

(a) Is 17 years of age or older;

(b) Has not graduated from a high school in the United States which is accredited by a regional association; and

(c) Is not currently enrolled in a high school,

↪ is eligible to take ~~{the tests}~~ *an assessment* to determine the person's ~~{general educational development}~~ *high school equivalency* if he or she otherwise complies with the provisions of NRS 385.448. No minimum period of residence in this State is required of an applicant before he or she takes ~~{the tests.}~~ *an assessment*.

2. The board of trustees of a school district may, upon request and for good cause shown, grant permission to take ~~{the tests of general educational development}~~ *a high school equivalency assessment* to a person who resides in the school district and who is at least 16 years of age but less than 17 years of age if the person satisfies the requirements of subsection ~~{2}~~ *3* of NRS 385.448.

3. A school district shall adhere to the ~~{policy}~~ *policies* of the ~~{general educational development testing}~~ *high school equivalency assessment* service that the ~~{tests of general~~

~~educational development~~ *high school equivalency assessment* must not be used as part of a high school program or used as a high school exit examination.

4. A school district shall not allow a person who passes ~~the tests of general educational development~~ *a high school equivalency assessment* to waive the units of credit required for a standard high school diploma.

5. A person who is at least 18 years of age and who passes ~~the tests of general educational development~~ *a high school equivalency assessment* may, in accordance with NAC 389.694, waive the units of credit required for an adult standard diploma.

6. A person who is at least 17 years of age but less than 18 years of age and who is enrolled in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537 may, in accordance with NAC 389.694, waive the units of credit required for an adult standard diploma.

Sec. 3. NAC 385.406 is hereby amended to read as follows:

385.406 1. An applicant to take ~~the tests~~ *a high school equivalency assessment* must provide valid identification. An acceptable kind of identification is a document containing the applicant's photograph, such as a current driver's license.

2. Before an applicant is admitted to take ~~the tests,~~ *an assessment*, the ~~chief examiner~~ *proctor* who will conduct ~~them~~ *the assessment* shall compare the signature on the document which the applicant presents as identification with the signature on his or her application to take the ~~tests.~~ *assessment.*

Sec. 4. NAC 385.408 is hereby amended to read as follows:

385.408 *1. Pursuant to NRS 385.448, the State Board hereby selects the following as high school equivalency assessments:*

(a) *The General Educational Development Test;*

(b) *The HiSET Exam; and*

(c) *The Test Assessing Secondary Completion.*

2. The minimum passing ~~{scores are}~~ *score:*

(a) *For the General Educational Development Test is a standard score of 150 on each of the four subtests.*

(b) *For the HiSET Exam is a standard score of ~~{410}~~ 8 on each of the five ~~{tests}~~ subtests and an average standard score of ~~{450}~~ 9 on the five ~~{tests.}~~ subtests.*

(c) *For the Test Assessing Secondary Completion is a standard score of 500 on each of the five subtests.*

Sec. 5. NAC 385.410 is hereby amended to read as follows:

385.410 1. An applicant who takes ~~{the tests of general educational development}~~ *a high school equivalency assessment* for the first time must complete the entire battery of ~~{five tests}~~ *subtests* before the applicant may be retested on any of the ~~{individual tests. The applicant must complete his or her initial testing in no more than two sessions held within a period of 6 weeks. If the applicant fails to complete the tests within the 6-week period, the results of his or her initial testing become invalid.}~~ *subtests.*

2. An applicant who completes his or her initial ~~{testing within the 6-week period}~~ *assessment* but fails to achieve the minimum scores may be retested on the entire battery of ~~{tests}~~ *subtests* or on the individual ~~{test or tests}~~ *subtest or subtests* which the applicant failed. If an applicant to be retested was initially tested with an edition in the English language, a different form of the edition must be used for the retest.

3. An applicant may be retested any number of times, although the availability of alternative forms of the ~~test~~ **assessment** may limit the number of possible retests in any 12-month period.

~~4. An applicant whose scores on the tests qualify him or her to receive a Nevada High School Equivalency Certificate may not be retested.~~

Sec. 6. NAC 385.420 is hereby amended to read as follows:

385.420 A ~~general educational development~~ test site that has been approved by the Department ~~shall issue a certificate of educational equivalence (Nevada High School Equivalency Certificate) to each person who has passed the tests of general educational development.~~ **to administer the high school equivalency assessments may administer such assessments.** A certificate **of educational equivalence** will be issued without charge to any person who passes ~~the tests.~~ **an assessment in a manner determined by the Department.**

Sec. 7. NAC 389.694 is hereby amended to read as follows:

389.694 1. Except as otherwise provided in this section, a person who is 18 years of age or older and who seeks an adult standard diploma may waive units of credit for ~~English,~~ **language arts**, mathematics, science and social studies by taking ~~tests of his or her general educational development~~ **a high school equivalency assessment** in those subjects. A person who seeks an adult standard diploma **who is at least 17 years of age but less than 18 years of age** and who is enrolled in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to NRS 388.537 may ~~not~~ waive ~~any~~ units of credit pursuant to this section.

2. The maximum number of credits which may be waived in the areas of ~~English,~~ **language arts**, mathematics and science must be based on the number of credits previously earned which meet the minimum requirements for course content outlined in NAC 389.450 to

389.511, inclusive, and the credits waived upon the completion of ~~the General Educational Development Test.~~ *a high school equivalency assessment selected pursuant to NRS 385.448.*

3. Credits in elective courses may be waived only in the area of social studies. The maximum number of credits which may be waived in the area of social studies must be based on ~~the General Educational Development Test.~~ *a high school equivalency assessment selected pursuant to NRS 385.448.*

4. The following ~~table sets~~ *tables set* forth the scores which a person must achieve on ~~the tests~~ *a high school equivalency assessment* to waive credits in required and elective courses and the corresponding number of units which may be waived:

General Educational Development Test (2002 Series)

Subject	Designation of Test	Maximum Number of Units	
		For Score of 450 to 499.9	For Score of 500 or higher
English	I and IV (average)	2	4
Mathematics	V	1	3
Science	III	1	2
Social Studies	II	1	2

General Educational Development Test (2014 Series)

	<i>Maximum Number of Units</i>	
	<i>Designation of</i>	<i>For Score of</i>

<i>Subject</i>	<i>Test</i>	<i>150 to 162</i>	<i>163 or higher</i>
<i>Language Arts</i>	<i>I</i>	<i>2</i>	<i>4</i>
<i>Mathematics</i>	<i>II</i>	<i>1</i>	<i>3</i>
<i>Science</i>	<i>III</i>	<i>1</i>	<i>2</i>
<i>Social Studies</i>	<i>IV</i>	<i>1</i>	<i>2</i>

HiSET Exam (2014 Series)

<i>Maximum Number of Units</i>			
<i>Subject</i>	<i>Designation of Test</i>	<i>For Score of 10 or 11</i>	<i>For Score of 12 or higher</i>
<i>Language Arts</i>	<i>I and V (average)</i>	<i>2</i>	<i>4</i>
<i>Mathematics</i>	<i>II</i>	<i>1</i>	<i>3</i>
<i>Science</i>	<i>III</i>	<i>1</i>	<i>2</i>
<i>Social Studies</i>	<i>IV</i>	<i>1</i>	<i>2</i>

Test Assessing Secondary Completion (2014 Series)

<i>Maximum Number of Units</i>			
<i>Subject</i>	<i>Designation of Test</i>	<i>For Score of 500 to 529</i>	<i>For Score of 530 or higher</i>
<i>Language Arts</i>	<i>I and V (average)</i>	<i>2</i>	<i>4</i>

<i>Subject</i>	<i>Designation of Test</i>	<i>Maximum Number of Units</i>	
		<i>For Score of 500 to 529</i>	<i>For Score of 530 or higher</i>
<i>Mathematics</i>	<i>II</i>	<i>1</i>	<i>3</i>
<i>Science</i>	<i>III</i>	<i>1</i>	<i>2</i>
<i>Social Studies</i>	<i>IV</i>	<i>1</i>	<i>2</i>

Sec. 8. NAC 389.695 is hereby amended to read as follows:

389.695 The board of trustees of a school district may allow a person who is *at least* 16 years of age *but less than 18 years of age* who has withdrawn from high school so that he or she may take ~~the tests of general educational development~~ *a high school equivalency assessment* to attend an adult high school program only for the purpose of test preparation.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066
Informational Statement
LCB File No. R155-13

1. A clear and concise explanation of the need for the adopted regulation.

To revise provisions relating to governing high school equivalency assessments; selecting certain tests to be used for high school equivalency assessments; prescribing the minimum passing score for each high school equivalency assessment; revising criteria for admission to an adult high school program. Also to revise/add the minimum passing scores to reflect the passing scores of the new high school equivalency assessments to be effective in 2014.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on March 14, 2014: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

A summary 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. The number of persons who:

- (a) Attended each hearing: 60**
- (b) Testified at each hearing; 2**
- (c) Submitted written comments: See attached.0**

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the Hearing: (Please see attached)

- (a) Name: Sandra Essenpreis**
- (b) Telephone number; 775-945-2909**
- (c) Business Address; P.O. Box 1540, Hawthorne, NV 89415**
- (d) Business telephone number; 775-945-2909**
- (e) Electronic mail address;**
- (f) Name of entity or organization represented: Mineral County School District.**

- (a) Name: Mary Koscinski**
- (b) Telephone number; 775-945-2909**
- (c) Business Address; P.O. Box 1540, Hawthorne, NV 89415**
- (d) Business telephone number; 775-945-2909**
- (e) Electronic mail address;**
- (f) Name of entity or organization represented: Mineral County School District**

5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.

The Notice of Intent to Act Upon a Regulation for public hearing and adoption of Proposed Amendments was filed at the following locations on March 14, 2014: The offices of the Nevada Department of Education in Carson City and Las Vegas, at the 17 Nevada School District Superintendent's Offices, the 17 county main public libraries, the Nevada State Library and Archives, the Department of Education website and the Legislative Council Bureau website.

A summary 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.

6. If the regulation was adopted with change to part of the proposed regulation, a summary of the reasons for adopting the regulation with change.

The proposed regulations were adopted with a change requested from Mike Raponi, Director, Career, Technical and Adult Education, because of a notification received, directed to all states from HiSet through ETS, to change the standard score on the HiSET from an average standard score of 10 on the five subtests to a standard score of 9 on the five subtests.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public:

(a) Estimated economic effect on the businesses which they are to regulate

None.

(b) Estimated economic effect on the public which they are to regulate

None

8. The estimated cost to the agency for enforcement of the proposed regulation: None

9. A description of any regulations of other State of governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency. None.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. None.

11. Of the regulation provides a new fee or increases an existing fee, the total annual amount of the agency expects to collect and the manner in which the money will be used. None.