

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

LCB File No. R050-16

Effective June 28, 2016

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

AUTHORITY: §§1 and 2, NRS 385.080 and 385.448.

A REGULATION relating to education; revising the minimum passing score for certain high school equivalency assessments; revising the required scores on certain high school equivalency assessments needed to waive credits; 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) Existing regulations: (1) adopt the General Educational Development Test, the HiSET Exam and the Test Assessing Secondary Completion as high school equivalency assessments; and (2) prescribe the minimum passing score for each assessment. (NAC 385.408) **Section 1** of this regulation changes, from 150 to 450, the minimum passing score for the General Education Development Test, if the test was taken before January 1, 2014. **Section 1** also provides that 145 is the minimum passing score for the General Education Development Test, if the test was taken on or after January 1, 2014.

Existing regulations authorize a person who passes the tests of general educational development to waive the units of credit required for an adult standard diploma if he or she: (1) is at least 18 years of age; or (2) is at least 17 years of age and 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. (NAC 385.404, 389.694) Existing regulations also prescribe the minimum score that is required to waive credits and the corresponding number of credits which can be waived. **Section 2** of this regulation revises the minimum scores required on the General Education Development Test in order to waive certain numbers of credits.

Section 1. 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 score:

(a) For the General Educational Development Test is a standard score of ~~H50~~ *at least 450* on each of the four subtests ~~H~~, *if the test was taken before January 1, 2014.*

(b) *For the General Educational Development Test is a standard score of at least 145 on each of the four subtests, if the test was taken on or after January 1, 2014.*

(c) For the HiSET Exam is a standard score of 8 on each of the five subtests and an average standard score of 9 on the five subtests.

~~H(e)~~ (d) For the Test Assessing Secondary Completion is a standard score of 500 on each of the five subtests.

Sec. 2. 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 language arts, mathematics, science and social studies by taking 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 waive units of credit pursuant to this section.

2. The maximum number of credits which may be waived in the areas of 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 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 a high school equivalency assessment selected pursuant to NRS 385.448.

4. The following tables set forth the scores which a person must achieve on 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)

Maximum Number of Units

Subject	Designation of Test	For Score of 150 145 to 162 157	For Score of 163 158 or higher
Language Arts	I	2	4
Mathematics	II	1	3
Science	III	1	2
Social Studies	IV	1	2

HiSET Exam (2014 Series)

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

Test Assessing Secondary Completion (2014 Series)

Maximum Number of Units

Subject	Designation of Test	For Score of 500 to 529	For Score of 530 or higher
Language Arts	I and V (average)	2	4
Mathematics	II	1	3
Science	III	1	2
Social Studies	IV	1	2

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS 233B.066
Informational Statement
LCB File No. R050-16

1. A clear and concise explanation of the need for the adopted regulation: The minimum passing score in NAC 385.408 needs to match the minimum passing score approved by GED Testing Service. When the new test was released in January 2014, the passing score was set at 250. Recently GED Testing Service revised the minimum passing score to 145, retroactive to January 2014, based on analysis of test data since the new test was released. Without this amendment, test-takers who score between 145-149 are not eligible to earn the Certificate of High School Equivalency (HSE). The language in 389.694 is changed o adjust the score range for the waiver of credits for an adult standard diploma.

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 28, 2016: 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: 45

(b) Testified at each hearing; 1

(c) Submitted written comments: 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:

(a) Name: Mr. Martin Kehes

(b) Telephone number;

(c) Business Address;

(d) Business telephone number;

(e) Electronic mail address;

(f) Name of entity or organization represented: Vice President of GED® Testing Service

Mr. Kehes stated that by adjusting the cut score from 150 to 145 about 1400 students in Nevada will be able to get their credential. This is for those who tested January 2014 going forward. Most of the GED administering states changed their cut score as of March 1, only Nevada and New Jersey have not adjusted their scores yet.

- 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 October 6, 2015: 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 without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.** Because there was no public testimony that would warrant a change.
- 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.