

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

LCB File No. R097-17

May 7, 2018

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

AUTHORITY: §§1, 7, 10 and 11, NRS 385.080, 388.874, as amended by section 30 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3237, and 390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, and section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700); §§2-5 and 14, NRS 385.080 and section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700); §§6 and 9, NRS 385.080, 388.874, as amended by section 30 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3237, NRS 390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, and NRS 390.610, as amended by section 53 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3253, and section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700); §8, NRS 385.080, 388.874, as amended by section 30 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3237, and NRS 390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, and section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700); §§12 and 13, NRS 385.080, 388.874, as amended by section 30 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3237, and NRS 390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246; §§15-17, NRS 385.080 and 390.600, as amended by section 52 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3252.

A REGULATION relating to education; prescribing courses for which an end-of-course final must be administered and the procedure for the administration of an end-of course final; removing references to end-of-course examinations; revising certain requirements relating to the administration of criterion-referenced examinations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe: (1) the courses of study for which an end-of-course final must be administered; and (2) the amount, expressed as a percentage of the pupil's overall grade in the course of study or other weight, that the end-of-course final must comprise when determining the overall grade of a pupil in the course for which the end-of-course final is administered. (Section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)) **Section 3** of this regulation prescribes the courses for which an end-of-course final must be administered. **Section 4** of this regulation prescribes: (1) the procedure by which the board of trustees of a school district or the governing body of a charter school is required to submit a list of courses to the Department of Education and the State Board for approval as being aligned to the subject matter of each course; and (2) the percentage of the overall grade of a pupil that the end-of-course final must comprise. **Sections 1, 6 and 8-11** of this regulation require an end-of-course final to be administered in the same manner as other standardized examinations. **Section 8** further provides for the confidentiality of questions that appear on an end-of-course final and approved answers to such questions. **Section 14** of this regulation requires the Department to publish standards for each end-of-course final on or before June 1 of each year.

Assembly Bill No. 7 of the 2017 Legislative Session removed the requirement that a pupil must pass at least four end-of-course examinations prescribed by the State Board to graduate from high school. (NRS 390.600, as amended by section 52 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3252) **Sections 5-9 and 13-17** of this regulation remove references to end-of-course examinations.

Existing law requires the State Board to prescribe examinations that measure the achievement of pupils in certain grades in the subjects of English language arts, mathematics and science. (NRS 390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246) **Sections 6, 9, 12 and 17** of this regulation abolish the criterion-referenced examination in writing. Additionally **sections 6, 9 and 12**: (1) require the administration of a criterion-referenced examination in science to pupils in grade 11; and (2) make certain changes in conformance with the requirement prescribed in NRS 390.105 that a criterion-referenced examination in science also be administered to pupils in grades 5 and 8. Finally, **sections 6 and 12** replace the criterion-referenced examination in reading with the criterion-referenced examination in English language arts to conform with the requirements prescribed in NRS 390.105.

Section 1. NAC 388.830 is hereby amended to read as follows:

388.830 1. The Department shall engage in the process of reviewing applications for programs of distance education not less than once per year. An application must be received by the Department from the board of trustees of a school district or a governing body of a charter school on or before January 15 for consideration of a program that will begin operation in the immediately succeeding school year. An application must be received by the Department from a

committee to form a new charter school on or before September 1 for a program that will begin operation in the immediately succeeding school year.

2. The Department shall prescribe the form for the application. An application must include:

(a) The name of the school district or charter school submitting the application;

(b) The date on which the board of trustees of the school district, the governing body of the charter school or the committee to form a charter school, as applicable, reviewed and approved the application;

(c) The original signature of the president of the board of trustees, or his or her designee, a member of the governing body of the charter school or a member of the committee to form a charter school, as applicable, indicating approval of the application;

(d) The name, address and telephone number of the person who will administer the program of distance education;

(e) A list designating each course of distance education that will be offered through the program;

(f) If a course of distance education that will be offered through the program is included on the list of approved distance education courses prepared by the Department, an identification of each course, including, without limitation, the title of the course and the name of the provider of the course of distance education;

(g) If a course of distance education that will be offered through the program is not included on the list of approved distance education courses prepared by the Department, the information required by subparagraphs (1) to (10), inclusive, of paragraph (e) of subsection 1 of NAC 388.825;

(h) A description of the manner by which the school district or charter school will document the attendance and participation of each pupil who is enrolled in a course offered through the program, consistent with the provisions of NAC 387.193 and 387.294;

(i) A description of the criteria that will be used to enroll pupils in the program, including, without limitation, the manner by which the eligibility of each pupil for enrollment will be determined and documented in compliance with NRS 388.850;

(j) A description of the plan for assessing the academic achievement of pupils who are enrolled in the program, which must include, without limitation, the administration of the examinations required by NRS ~~389.550 and 389.805;~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, and section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700);*

(k) A description of the manner by which the school district or charter school will document the completion of a course by a pupil enrolled in the program and award credit to each pupil who completes a course; and

(l) A description of the manner by which the school district or charter school will monitor the progress of each pupil enrolled in the program, including, without limitation:

(1) A method for identifying pupils who are experiencing difficulty with completing assignments or who are otherwise not demonstrating satisfactory progress; and

(2) The assistance or support that will be provided to pupils identified pursuant to subparagraph (1) in addition to any assistance or support offered by the provider of the course of distance education.

3. If a school district or charter school submits an application pursuant to this section to provide a program of distance education and the application is approved, the school district or

charter school is not required to submit a separate application pursuant to NRS 388.834 and NAC 388.825 for approval of a course that is included in the approved program.

4. Not more than 45 calendar days after receipt of an application pursuant to this section, the Department shall provide written notice to the applicant of its approval or denial of the program. If an application is denied, the applicant may, not later than 30 calendar days after receipt of the notice of denial, correct the deficiencies identified in the notice of denial and resubmit the application to the Department. If the application is denied by the Department, the applicant may appeal the decision of the Department to the State Board of Education. The State Board may approve or deny the application upon appeal.

5. Except as otherwise provided in this subsection and NAC 388.860, if a program of distance education is approved pursuant to this section, the approval is valid for 3 years after the date of approval.

6. The Department shall prescribe the form for the renewal of an application. To continue providing a program of distance education, the provider of the program must submit an application for renewal to the Department at least 60 days before the expiration of the approval. If the Department approves a program of distance education submitted by a committee to form a new charter school and the committee's application to form a charter school is denied by the Department, the board of trustees of a school district or the State Public Charter School Authority, as applicable, the approval of the program of distance education is automatically revoked and the procedure for revocation set forth in NAC 388.860 does not apply.

7. If a provider of a program of distance education intends to change or modify the program with regard to the items set forth in the application, the provider shall obtain the written approval of the Department before making such a change or modification. If the provider changes or

modifies the program without the approval of the Department pursuant to this subsection, the Department may revoke its approval of the program.

8. A school district or charter school shall not enroll pupils in a program of distance education unless the Department has provided documentation indicating that the program has been approved pursuant to this section for operation in this State.

Sec. 2. Chapter 389 of NAC is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this regulation.

Sec. 3. 1. *The Mathematics I end-of-course final must be administered for Algebra I or any other course for which the subject matter of the course is approved by the State Board pursuant to section 4 of this regulation as being aligned to the subject matter of the end-of-course final.*

2. The Mathematics II end-of-course final must be administered for Geometry or any other course for which the subject matter of the course is approved by the State Board pursuant to section 4 of this regulation as being aligned to the subject matter of the end-of-course final.

3. The Integrated Mathematics I end-of-course final must be administered for Integrated Mathematics I or any other course for which the subject matter of the course is approved by the State Board pursuant to section 4 of this regulation as being aligned to the subject matter of the end-of-course final.

4. The Integrated Mathematics II end-of-course final must be administered for Integrated Mathematics II or any other course for which the subject matter of the course is approved by the State Board pursuant to section 4 of this regulation as being aligned to the subject matter of the end-of-course final.

5. The English I end-of-course final must be administered for English I or any other course for which the subject matter of the course is approved by the State Board pursuant to section 4 of this regulation as being aligned to the subject matter of the end-of-course final.

Sec. 4. 1. On or before March 1 of each year, the board of trustees of each school district and the governing body of each charter school shall submit to the Department a list of courses offered in the school district or charter school that the board or governing body, as applicable, has determined to be aligned to the subject matter of each end-of-course final prescribed in section 3 of this regulation.

2. On or before May 1 of each year, the Department shall:

(a) Determine whether each course on the list of courses submitted by a board of trustees or governing body pursuant to subsection 1 is aligned to the subject matter of each end-of-course final prescribed in section 3 of this regulation;

(b) Submit the determinations made pursuant to paragraph (a) to the State Board for approval; and

(c) Notify the board of trustees of each school district and the governing body of each charter school of the courses approved by the State Board pursuant to paragraph (b) as being aligned to the subject matter of each end-of-course final prescribed in section 3 of this regulation.

3. The board of trustees of a school district or the governing body of a charter school shall administer an end-of-course final prescribed in section 3 of this regulation for each course approved by the State Board pursuant to paragraph (b) of subsection 2 as being aligned to the subject matter of the end-of-course final.

4. An end-of-course final must comprise:

(a) During the 2017-2018 school year, 0 to 100 percent of the overall grade of a pupil in the course for which the end-of-course final is administered, as prescribed by the board of trustees of the school district in which the pupil is enrolled;

(b) During the 2018-2019 school year, 10 percent of the overall grade of a pupil in the course for which the end-of-course final is administered;

(c) During the 2019-2020 school year, 15 percent of the overall grade of a pupil in the course for which the end-of-course final is administered; and

(d) During the 2020-2021 school year and each school year thereafter, 20 percent of the overall grade of a pupil in the course for which the end-of-course final is administered.

Sec. 5. NAC 389.0242 is hereby amended to read as follows:

389.0242 “End-of-course ~~examination~~ *final*” means an examination required by ~~NRS 389.805 and NAC 389.6552~~ *section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700).*

Sec. 6. NAC 389.051 is hereby amended to read as follows:

389.051 1. Except as otherwise provided in subsection 2, the board of trustees of each school district and the governing body of each charter school, respectively, shall administer the examinations and assessment required by NRS ~~389.550, 389.805~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, and NRS 390.610, as amended by section 53 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3253, and ~~389.807~~ section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700), in each public school in that district and each charter school which has the appropriate grades. ~~Except as otherwise provided in this subsection, the~~*

2. *The examinations and assessment required by NRS 390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, and NRS 390.610, as amended by section 53 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3253,* must be administered in the spring semester on the dates specified by the

Department, as follows:

(a) For grades 3 through 8, the criterion-referenced examinations in ~~reading~~ *English language arts* and mathematics as provided in NAC 389.061.

(b) For grades 5 and 8, the criterion-referenced ~~examinations~~ *examination* in ~~writing and~~ science.

(c) For pupils in grade 11, the *criterion-referenced examination in science and the* college and career readiness assessment.

~~[(d) Except as otherwise provided in this paragraph, for pupils who are enrolled in courses for which end-of-course examinations are approved pursuant to NAC 389.6585, those examinations. For any pupil who fails an end-of-course examination, the examination must be administered again to the pupil during the summer months on the dates specified by the Department.]~~

~~—2.]~~ 3. Not later than May 1 of each year, the board of trustees of a school district in which a school with a 12-month school program is located or the governing body of a charter school with a 12-month school program shall, if pupils who attend the school are not expected to be in session on one of the dates prescribed ~~in~~ *pursuant to* subsection ~~1]~~ 2 for the administration of an examination, consult with the Assessment, ~~Program~~ *Data and* Accountability ~~and Curriculum~~ *Management* Office of the Department to establish another date for the administration of that examination. Not later than June 1 of that year, the Assessment, ~~Program~~ *Data and* Accountability ~~and Curriculum~~ *Management* Office shall provide the board of

trustees or the governing body of a charter school with written confirmation of the date agreed upon pursuant to this subsection.

~~3.4~~ 4. The Department may schedule a special administration of any examination required to be passed for graduation if:

- (a) The person taking the examination is a pupil enrolled in grade 12;
- (b) The person, through no fault on the part of the person, was not able to take the examination at its most recent administration; and
- (c) No regular administration of the examination is scheduled before the date on which the person is otherwise eligible to graduate.

Sec. 7. NAC 389.0515 is hereby amended to read as follows:

389.0515 1. An examination that is administered to assess the achievement and proficiency of pupils in this State must:

(a) If the examination is administered pursuant to NRS ~~389.550,~~ ***390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246,*** measure the achievement and proficiency of pupils in the standards of content established by the Council to Establish Academic Standards for Public Schools, as adopted by the State Board of Education pursuant to NRS 389.520;

(b) ~~If the examination is an end-of-course examination, measure the achievement and proficiency of pupils in the subjects set forth in subsection 1 of NRS 389.018 and NAC 389.6552;~~

~~—(c)~~ Be designed so that data relating to past and future trends of the examination scores of pupils may be compiled;

~~[(d)]~~ (c) Measure the specific knowledge and skills or level of achievement and proficiency that it was designed to measure;

~~[(e)]~~ (d) Be fair to all potential examinees and, insofar as practicable, be designed to account for differences among the examinees in their gender, culture and primary language; and

~~[(f)]~~ (e) Be useful in determining the achievement and proficiency of a pupil relative to a particular level of achievement and proficiency.

2. The costs of such an examination must not exceed the appropriations made by the Legislature for the administration of the examination.

3. The results of such an examination must be reported in a manner that:

(a) Is clear to parents and teachers; and

(b) Avoids the use of technical terms.

4. The Department shall provide a program of professional development for teachers relating to the interpretation of the results of such an examination.

Sec. 8. NAC 389.054 is hereby amended to read as follows:

389.054 1. The questions contained in any end-of-course ~~[examination]~~ *final* and the approved answers used for grading the ~~[examination]~~ *end-of-course final* are confidential, and disclosure is unlawful except:

(a) To the extent necessary to *prepare for*, administer and evaluate the ~~[examination.]~~ *end-of-course final*.

(b) To the extent necessary for the performance of the duties of a person described in this paragraph, disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch of State Government; or

(2) Superintendent of schools, director of curriculum or director of testing of a school district.

(c) Specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the questions and answers are not being used in a current ~~examination~~ *end-of-course final* and that making the questions and answers available to the public poses no threat to the security of the examination process.

(d) As required pursuant to NRS 239.0115.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that the employees of the school district or charter school, respectively, who have access to the materials necessary to administer the examinations required by NRS ~~389.550~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, and ~~389.805~~ section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)*, are familiar with:

(a) The provisions of this section and NRS ~~389.600~~ *390.250* to ~~389.648,~~ *390.305*, inclusive; and

(b) Any instructions that are issued by the Department relating to the confidentiality of those materials.

3. Except as otherwise provided in this section, a person shall not make or distribute copies of the questions contained in the examinations required by NRS ~~389.550~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, and ~~389.805~~ section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)*, or the approved answers used for grading them unless that person has

received written authorization to do so from the publisher of the examination and the Department.

4. Before the examinations required by NRS ~~389.550~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246*, and ~~389.805~~ *section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)*, are distributed to the schools in which the examinations will be administered, the board of trustees or the governing body shall ensure that the materials used to administer the examinations and the approved answers used for grading them are stored in such a manner that only those persons to whom the materials and answers may be disclosed pursuant to this section have access to them.

5. The secure examination materials that are used to administer the examinations required by NRS ~~389.550~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246*, and ~~389.805~~ *section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)*, must not be distributed to the schools in which the examinations will be administered until such time as is necessary to allow the schools adequate time to prepare to administer the examinations.

6. The principal of each school to which an examination is delivered : ~~{shall ensure that:}~~

(a) ~~{The}~~ *Shall ensure that the* questions contained in the examination are stored in a secure location and are not distributed *to pupils* until the examination is administered; ~~{and}~~

(b) ~~{The}~~ *Shall ensure that the* materials used to administer the examination are stored in a secure manner before the end of the day on which the examination is administered ~~{}~~ ; *and*

(c) May allow the teacher of a course approved by the State Board pursuant to section 4 of this regulation as being aligned to the subject matter of the end-of-course final to inspect the questions contained in the examination in a secure location.

7. On or before September 15 of each year, the principal of each public school and charter school, respectively, shall submit to the Department a statement that the principal will ensure that the school complies with the provisions of this section, the provisions of NRS ~~389.600~~ *390.250* to ~~389.648~~, *390.305*, inclusive, and any instructions issued by the Department relating to the confidentiality of testing materials. The statement required pursuant to this subsection must be on a form prescribed by the Department.

8. The examinations required by NRS ~~389.550~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246*, and ~~389.805~~ *section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)*, must be administered:

(a) In a facility that is approved by the board of trustees of the school district or the governing body of the charter school; and

(b) By employees of the school district or charter school who are designated to administer the examinations by the board of trustees of the school district or the governing body of the charter school, respectively.

Sec. 9. NAC 389.056 is hereby amended to read as follows:

389.056 1. ~~Achievement and proficiency examinations must be administered as follows:~~
~~—(a) For grades 5 and 8, the examination in writing must be administered pursuant to the instructions in the current edition of the manual for the administration of the proficiency examination in writing adopted by the Department.~~

~~—(b)~~ For grades 3 through 8 ~~(1)~~ *and 11*, the criterion-referenced examinations must be administered pursuant to the instructions in the current edition of the manual for the administration of the criterion-referenced examinations adopted by the Department.

2. The college and career readiness assessment required by NRS ~~389.807~~ *390.610, as amended by section 53 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3253*, and end-of-course ~~examinations~~ *finals required by section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)*, must be administered pursuant to the instructions in the current edition of the manual for the administration of the criterion-referenced examinations adopted by the Department.

Sec. 10. NAC 389.058 is hereby amended to read as follows:

389.058 A private entity that has contracted with the State Board to score an examination administered pursuant to NRS ~~389.550 or 389.805~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, or section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)*, shall report the results of the examination in writing to the Department.

Sec. 11. NAC 389.059 is hereby amended to read as follows:

389.059 1. Except as otherwise provided by a specific statute or regulation, the Department shall not report the scores achieved by an individual pupil on an examination required by NRS ~~389.550 or 389.805~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246, or section 41.3 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3245 (NRS 390.700)*, to a person or governmental agency.

2. The Department may report the aggregated scores of 10 or more pupils.

Sec. 12. 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~~ *English language arts* prescribed by the Department 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~~ *English language arts* prescribed by the Department 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 ~~the~~

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

~~(b) The~~ *the* Nevada Criterion-Referenced Examinations in Mathematics, ~~Reading~~ *English language arts* and Science prescribed by the Department 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~~ *English language arts* prescribed by the Department 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}~~ *English language arts* prescribed by the Department 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 for each testing period; and~~
~~—(b) The~~ *the* Nevada Criterion-Referenced Examinations in Mathematics, ~~{Reading}~~ *English language arts* and Science prescribed by the Department 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 11, the criterion-referenced examination that must be used is the Nevada Criterion-Referenced Examination in Science prescribed by the Department for each testing period. Each edition of the examination must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

Sec. 13. NAC 389.083 is hereby amended to read as follows:

389.083 1. A school district shall keep the results of all examinations administered pursuant to NRS ~~{389.550}~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of Nevada 2017, at page 3246*, to pupils in grades 3 through 8 for 4 years after the date of the administration of the examinations.

2. The Department shall keep the results of all examinations administered pursuant to NRS ~~{389.550}~~ *390.105, as amended by section 43 of Assembly Bill No. 7, chapter 501, Statutes of*

Nevada 2017, at page 3246, to pupils in grades 3 through 8 for 4 years after the date of the administration of the examinations.

3. The Department 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.

~~{4.—The Department shall maintain a list of the name and scores of each pupil who takes an end-of-course examination for 10 years after the date of the administration of the examination. A school district shall maintain a list of the name and scores of each pupil who takes an end-of-course examination for 10 years after the date of the administration of the examination.}~~

Sec. 14. NAC 389.6585 is hereby amended to read as follows:

389.6585 ~~{1.—Immediately preceding each school year and for each end-of-course examination,}~~ *On or before June 1 of each year*, the Department will ~~{:~~

- ~~—(a) On or before June 1,}~~ publish the standards for ~~{the examination; and~~
- ~~—(b) On or before July 15, publish the passing grade for the examination.~~

~~—2.— Each school district and charter school shall, on or before July 1 of each year and for each course for which an end-of-course examination is approved, submit to the Department:~~

- ~~—(a) The titles and corresponding codes of the course; and~~
- ~~—(b) An alignment chart which demonstrates that the pupils enrolled in the course will receive instruction in accordance with the standards of content and performance established for that course pursuant to NRS 389.520.~~

~~—3.— The Department will review the information described in subsection 2 and, on or before August 1 of each year, give written notice to the school district or charter school, as applicable, of the end-of-course examination approved for each course for which the school district or charter school submitted the information.~~ *each end-of-course final prescribed in section 3 of this regulation.*

Sec. 15. NAC 389.688 is hereby amended to read as follows:

389.688 1. A school district may award an adult standard diploma to a person who:

(a) Withdrew from high school before the person's graduation and was not eligible to graduate with his or her class, or participated 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;

(b) ~~Has passed all required end-of-course examinations;~~

~~—(c)—~~ Has earned, in high school, in an adult high school program or 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, or waived, the units of credit required in subsection 2; and

~~—(d)—~~ (c) Is 18 years of age or older at the time of the award or is 17 years of age but less than 18 years of age and participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to NRS 388.537.

2. Except as otherwise provided in subsection 3, the units of credit which a person must have earned or waived to be qualified to receive an adult standard diploma are a total of 13 units for required courses and a total of 7 1/2 units for elective courses. The person must have earned or waived his or her units for the required courses in accordance with the following table:

Minimum

Required Course	Number of Units
American government	1
American history	1
Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education	1
English.....	4
Health education.....	1/2
Mathematics	3
Science	2
Use of computers.....	1/2
TOTAL:	13

3. If a person demonstrates a competency in the use of computers, the person is not required to complete the course in the use of computers and must earn or waive a total of 12 1/2 units in required courses.

Sec. 16. NAC 389.815 is hereby amended to read as follows:

389.815 1. To qualify for an endorsement on a high school diploma indicating that a pupil has successfully completed a course of study in a program area for a program of career and technical education set forth in subsection 1 of NAC 389.803, the pupil must:

(a) Satisfactorily complete a sequence of courses leading to a completion course prescribed by the school district or charter school in which the pupil is enrolled for the course of study selected.

(b) Satisfy the state academic requirements governing receipt of a standard high school diploma and the statutes and regulations governing the receipt of a standard high school diploma . ~~including, without limitation, passage of all required end-of-course examinations.~~

(c) Satisfy the requirements for the issuance of a certificate pursuant to subsection 4 of NAC 389.800.

2. The sequence and completion courses required by paragraph (a) of subsection 1 must be approved by the Department.

3. The endorsement must be located on the front of the high school diploma in a format prescribed by the Department . ~~of Education.~~

Sec. 17. NAC 389.0482, 389.057, 389.0574, 389.0576, 389.071, 389.6552 and 389.658 are hereby repealed.

TEXT OF REPEALED SECTIONS

389.0482 Eligibility of pupil to take end-of-course examination. (NRS 385.080, 389.805)
After entering grade 6, a pupil who is enrolled in or has completed each course for which an end-of-course examination is approved pursuant to NAC 389.6585 is eligible to take the examination.

389.057 Eligibility for reexamination. (NRS 385.080, 389.550, 389.805)

1. Except as otherwise provided in subsection 2, a pupil who fails an end-of-course examination is eligible to be reexamined only at the times the examination is administered pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.

2. If the pupil does not pass an end-of-course examination before the completion of grade 12, the pupil may be reexamined any time that the examination is administered to adults pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.

389.0574 School district to provide remedial study to pupil who fails end-of-course examination; plan to provide remedial study to be provided to Department; review and approval of plan; times remedial study to be offered. (NRS 385.080, 389.805)

1. Each school district shall provide remedial study to each pupil enrolled in a public school in the district who fails an end-of-course examination.

2. Each school district shall develop a plan to provide the remedial study described in subsection 1. The plan must prescribe an appropriate amount of remedial study, as determined by the teacher of the course with which the examination is aligned, the public school, or both, for each end-of-course examination.

3. Not later than July 1, each school district shall submit to the Department the plan developed pursuant to subsection 2.

4. Not later than 45 days after the Department receives a plan submitted pursuant to subsection 3 or resubmitted pursuant to subsection 5, the Department will review the plan and:

- (a) Approve the plan and provide notice to the school district that the plan is approved; or
- (b) Return the plan to the school district with recommendations for revision.

5. If the Department returns a plan to a school district pursuant to paragraph (b) of subsection 4, the school district shall, within 20 days after it receives the plan, revise and resubmit the plan to the Department. A plan may be revised and resubmitted until it is approved.

6. A school district shall not charge a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the location where the remedial study is provided.

7. The remedial study described in subsection 1 may be offered:

(a) During the regular school day;

(b) During summer school;

(c) During intersession school; or

(d) As part of a program that is offered before or after the regular school day.

389.0576 Charter school to provide remedial study to pupil who fails end-of-course examination; plan to provide remedial study to be provided to sponsor; review and approval of plan; times remedial study to be offered. (NRS 385.080, 389.805)

1. Each charter school shall provide remedial study to each pupil enrolled in the charter school who fails an end-of-course examination.

2. The governing body of each charter school shall develop a plan to provide the remedial study described in subsection 1. The plan must prescribe an appropriate amount of remedial study, as determined by the teacher of the course with which the examination is aligned, the governing body of the charter school, or both, for each end-of-course examination.

3. Not later than July 1, the governing body of each charter school shall submit to the sponsor of the charter school the plan developed pursuant to subsection 2.

4. Not later than 45 days after a sponsor of the charter school receives a plan submitted pursuant to subsection 3 or resubmitted pursuant to subsection 5, the sponsor shall review the plan and:

(a) Approve the plan and provide notice to the governing body of the charter school that the plan is approved; or

(b) Return the plan to the governing body of the charter school with recommendations for revision.

5. If the sponsor of a charter school returns a plan to the governing body of the charter school pursuant to paragraph (b) of subsection 4, the governing body shall, within 20 days after it receives the plan, revise and resubmit the plan to the sponsor of the charter school. A plan may be revised and resubmitted until it is approved.

6. A charter school shall not charge a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the location where the remedial study is provided.

7. The remedial study described in subsection 1 may be offered:

(a) During the regular school day;

(b) During summer school;

(c) During intersession school; or

(d) As part of a program offered before or after the regular school day.

389.071 Proficiency examinations in writing: High school; fifth and eighth grades.

(NRS 385.080, 389.550)

Each edition of the Nevada Fifth and Eighth Grade Proficiency Examinations in Writing must be based upon the standards of content and performance in English language arts adopted pursuant to NRS 389.520.

**389.6552 Passage of end-of-course examinations required for diploma to be awarded.
(NRS 385.080, 389.805)**

1. A pupil in the graduating cohort of 2017 or 2018 must not be given a standard high school diploma until the pupil has passed:

- (a) The Nevada End-of-Course Examination in Mathematics I;
- (b) The Nevada End-of-Course Examination in Mathematics II;
- (c) The Nevada End-of-Course Examination in English Language Arts I; and
- (d) The Nevada End-of-Course Examination in English Language Arts II.

2. For the purposes of subsection 1, a pupil shall be deemed to have passed an end-of-course examination if the pupil obtains at least the passing score published for the examination by the Department or:

- (a) Passes the course with which the examination is aligned, in accordance with any established grading policy of the school district or charter school, as applicable; and
- (b) Takes and makes a reasonable attempt to complete the examination.

3. A pupil in the graduating cohort of 2019 must not be given a standard high school diploma until the pupil has passed:

- (a) The Nevada End-of-Course Examination in Mathematics I;
- (b) The Nevada End-of-Course Examination in Mathematics II;
- (c) The Nevada End-of-Course Examination in English Language Arts I; and
- (d) The Nevada End-of-Course Examination in English Language Arts II.

4. A pupil in the graduating cohort of 2020 or any year thereafter must not be given a standard high school diploma until the pupil has passed:

- (a) The Nevada End-of-Course Examination in Mathematics I;
- (b) The Nevada End-of-Course Examination in Mathematics II;
- (c) The Nevada End-of-Course Examination in English Language Arts;
- (d) The Nevada End-of-Course Examination in Science; and
- (e) Any other end-of-course examination required by the State Board which is applicable to a graduating cohort.

5. Each edition of an end-of-course examination must be based upon the standards of content and performance established for the applicable course of study pursuant to NRS 389.520.

389.658 Submission of results of end-of-course examinations. (NRS 385.080, 389.805)

1. The board of trustees of each school district shall submit the results of the end-of-course examinations to the Superintendent of Public Instruction by the time and in the form and manner he or she requires.

2. The Superintendent shall annually notify each board of trustees of the requirements for submitting the results.