

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

LCB File No. R136-18

July 24, 2018

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

AUTHORITY: §§1-6, NRS 385.080 and 392.760.

A REGULATION relating to education; establishing the passing score a pupil enrolled in grade 3 must obtain to achieve adequate proficiency in reading; providing an alternate examination for a pupil enrolled in grade 3 who does not achieve adequate proficiency in reading; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes a pupil enrolled in a public school, other than a charter school, to be retained in the same grade upon joint agreement by the pupil’s teacher and principal. (NRS 392.125) Existing law also requires the governing body of a charter school to adopt rules for the academic retention of pupils who are enrolled in the charter school. (NRS 386.583) Further, existing law provides that unless a pupil receives an exemption by the superintendent of the school district or the governing body of a charter school, as recommended by the principal, a pupil enrolled in grade 3 must be retained in grade 3 rather than promoted to grade 4 if the pupil does not obtain the score prescribed by the State Board of Education on the criterion-referenced examination in reading. If a pupil does not obtain such a score, existing law also: (1) provides certain good-cause exemptions for certain pupils to allow them to be promoted to grade 4; and (2) requires the State Board to prescribe an alternate examination. (NRS 392.760) **Section 5** of this regulation establishes the score a pupil in grade 3 must obtain on the criterion-referenced examination in reading to be promoted to grade 4 without a good-cause exemption. **Section 6** of this regulation prescribes the alternate examination for a pupil in grade 3 who would otherwise be retained in grade 3. **Section 6** also prescribes the passing score that such a pupil must obtain on the alternate examination to be eligible to be promoted to grade 4 with a good-cause exemption. **Sections 3 and 4** of this regulation define certain terms used in the provisions related to providing certain good-cause exemption to certain pupils in grade 3 to allow them to be promoted to grade 4.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Alternate examination” means an examination for administration to a pupil enrolled in grade 3:*

(a) Who did not obtain a passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105; and

(b) Who was not promoted to grade 4 with a good-cause exemption.

Sec. 4. *“Good-cause exemption” means a determination by a principal of a school pursuant to subsection 2 of NRS 392.760 that a pupil in grade 3 who would otherwise be retained in grade 3 is eligible to be promoted to grade 4.*

Sec. 5. *1. To be promoted to grade 4 without a good-cause exemption, a pupil enrolled in grade 3 must obtain a passing score in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105.*

2. A passing score for a pupil enrolled in grade 3 in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 390.105 is at or above Level 2 (Approaching Standards).

Sec. 6. *1. A pupil who would otherwise be retained in grade 3 is eligible for a good-cause exemption if the pupil demonstrates a passing score on:*

(a) MAP for Primary Grades in Reading (MAP K-2 Assessment) published by the Northwest Evaluation Association; or

(b) MAP Reading (grade 2 to grade 3 assessment) published by the Northwest Evaluation Association.

2. If administered as an end-of-course assessment, a passing score on the assessment administered pursuant to subsection 1 to a pupil in grade 3 or who would otherwise be retained in grade 3 is:

(a) A score at or above the 31st percentile; or

(b) A Rasch Unit Scale (RIT) score of 191 or higher.