

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

LCB File No. R115-97

§§ 1-5 and 7-16 are effective December 10, 1997
§6 is effective July 1, 1998

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

AUTHORITY: §§2-14 and 16 and 17, NRS 385.080 and 389.015; §15, NRS 389.017.

Section 1. Chapter 389 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation

Sec. 2. *1. The board of trustees of each school district shall ensure that the employees of the school district who have access to the materials necessary to administer the examinations required by NRS 389.015 are familiar with:*

(a) The provisions of this section and subsection 6 of NRS 389.015; and

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

2. A person shall not make copies of the questions contained in the examinations required by NRS 389.015 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 of education.

3. Before the examinations required by NRS 389.015 are distributed to the schools in which the examinations will be administered, the board of trustees 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 subsection 6 of NRS 389.015 have access to them.

4. The questions contained in the examinations required by NRS 389.015 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.

5. The principal of each school to which an examination is delivered shall ensure that:

(a) The questions contained in the examination are stored in a secure location and are not distributed until the examination is administered; and

(b) 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.

6. On or before September 15 of each year, the principal of each public school shall submit to the department of education a statement that the principal will ensure that the school complies with the provisions of this section 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.

7. The examinations required by NRS 389.015 must be administered:

(a) In a public facility that is approved by the board of trustees of the school district; and

(b) By employees of the school district who are designated to administer the examinations by the board of trustees of the school district.

Sec. 3. 1. *Except as otherwise provided in subsection 2, calculators may not be used by pupils taking the Nevada Proficiency Examination in Mathematics or the Nevada High School Proficiency Examination in Mathematics.*

2. *Each school district shall provide the pupils in a fourth grade or eighth grade class within the district with the option of using calculators on Part 2 of the “Mathematics Composite” portion of the Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus, if the pupils are routinely authorized to use calculators on other examinations administered to the class.*

Sec. 4. NAC 389.049 is hereby amended to read as follows:

389.049 As used in NAC 389.049 to 389.083, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires:

1. “Grade 11” means the third [~~semester~~] *and fourth semesters* before the anticipated graduation of a pupil.

2. “Grade 12” means the final two semesters before the anticipated graduation of a pupil.

Sec. 5. NAC 389.051 is hereby amended to read as follows:

389.051 1. [~~The~~] *Except as otherwise provided in subsection 2, the* board of trustees of each school district shall administer the examinations required by NRS 389.015 in each public school in that district which has the appropriate grades at the following times:

(a) For grade 4, the examinations must be administered between October [~~1~~] 2 and October [~~30~~] 27.

(b) For grade 8, the examination in writing must be administered on the date specified by the department of education.

(c) For grade 8, the examinations in reading and mathematics must be administered between October [1] 2 and October [30].

(d) For grades 4 and 8, in schools which operate a 12-month school program, examinations for pupils enrolled in those grades for whom school is not in session on the dates specified in paragraph (a), (b) or (c) must be administered on the date specified by the department of education.

(e) 27.

(d) For grade 11, the examination in writing must be administered on the second Wednesday in February . [, or on the second Wednesday and Thursday in February, as specified by the department of education. If a holiday falls during the week of the second Wednesday in February, the examination must be administered on the third Wednesday in February, or on the third Wednesday and Thursday in February, as specified by the department of education.

(f) (e) For grade 11, the examinations in reading and mathematics must be administered at some time Monday through [Thursday] Friday during the week of the [second Wednesday in February. If a holiday falls during that week, the examinations must be administered at some time Monday through Thursday during the week of the] third Wednesday in [February.

(g) *October, for diagnostic purposes only, and during the week of the third Wednesday in April.*

(f) For grade 12, the examination in writing must be administered to pupils [in grade 12] who must pass the examination to graduate, on the second Wednesday in February, [or on the second Wednesday and Thursday of February, as specified by the department of education,] the fourth Thursday in April, the [last Thursday in June] *third Thursday in July* and the third Wednesday in October. [If a holiday falls during the week of the second Wednesday in February, the

examination must be administered on the third Wednesday in February, or on the third Wednesday or Thursday in February, as specified by the department of education.

(h)] (g) For grade 12, the examinations in reading and mathematics must be administered to pupils [in grade 12] who must pass the examinations to graduate, at some time Monday through Thursday during the week of the second Wednesday in February, the fourth Thursday in April, the [last Thursday in June] *third Thursday in July* and the third Wednesday in October. [If a holiday falls during the week of the second Wednesday in February, the examinations must be administered at some time Monday through Thursday during the week of the third Wednesday in February.

(i)] (h) For adults, the examination in writing must be administered to [adult] pupils who must pass the examination to graduate, on the second Wednesday in February, the fourth Thursday in April, the [last Thursday in June] *third Thursday in July* and the third Wednesday in October. [If a holiday falls during the week of the second Wednesday in February, the examination must be administered on the third Wednesday in February.

(j)] (i) For adults, the examinations in reading and mathematics must be administered to [adult] pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the second Wednesday in February, the fourth Thursday in April, the [last Thursday in June, and at some time Monday through Thursday during the week of] *third Thursday in July and* the third Wednesday in October. [If a holiday falls during the week of the second Wednesday in February, the examinations must be administered at some time Monday through Thursday during the week of the third Wednesday in February.]

2. *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 shall, if pupils who attend the school are not*

expected to be in session on one of the dates prescribed in subsection 1 for the administration of an examination, consult with the proficiency testing unit of the department of education to establish another date for the administration of that examination. The proficiency testing unit shall provide the board of trustees with written confirmation of the date agreed upon pursuant to this subsection.

3. The assessment of a pupil whose primary language is not English pursuant to NAC 389.063 must be administered before the earliest date on which the pupil would be required to take the proficiency examination required for his grade level if his primary language was English.

[3.] 4. The department of education may schedule a special administration of any examination required to be passed for graduation if:

- (a) The person taking the examination is an adult or a pupil in grade 12;
- (b) That person, through no fault of his own, 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. 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 shall administer the examinations required by NRS 389.015 in each public school in that district which has the appropriate grades at the following times:

- (a) For grade 4, the examinations must be administered between October 2 and October 27.
- (b) For grade 8, the examination in writing must be administered on the date specified by the department of education.

(c) For grade 8, the examinations in reading and mathematics must be administered between October 2 and October 27.

(d) For grade 11, the examination in writing must be administered on the second Wednesday in February.

(e) For grade 11, the examinations in reading and mathematics must be administered at some time Monday through **[Friday]** *Thursday* during the week of **[the third]** :

(1) *The first* Wednesday in October [, **for diagnostic purposes only, and during the week of the**] ; *and*

(2) *The third* Wednesday in April [.] *for pupils who must pass the examinations to graduate.*

(f) For grade 12, the examination in writing must be administered to pupils who must pass the examination to graduate, on the **[second]** *fourth* Wednesday in **[February, the fourth]** *January, the third* Thursday in April, the third Thursday in July and the **[third]** *first* Wednesday in October.

(g) For grade 12, the examinations in reading and mathematics must be administered to pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the **[second]** *fourth* Wednesday in **[February, the fourth]** *January, the third* Thursday in April, the third Thursday in July and the **[third]** *first* Wednesday in October.

(h) For adults, the examination in writing must be administered to pupils who must pass the examination to graduate, on the **[second]** *fourth* Wednesday in **[February, the fourth]** *January, the third* Thursday in April, the third Thursday in July and the **[third]** *first* Wednesday in October.

(i) For adults, the examinations in reading and mathematics must be administered to pupils who must pass the examinations to graduate, at some time Monday through Thursday during the week of the [second] *fourth* Wednesday in [February, the fourth] *January, the third* Thursday in April, the third Thursday in July and the [third] *first* Wednesday in October.

2. 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 shall, if pupils who attend the school are not expected to be in session on one of the dates prescribed in subsection 1 for the administration of an examination, consult with the proficiency testing unit of the department of education to establish another date for the administration of that examination. The proficiency testing unit shall provide the board of trustees with written confirmation of the date agreed upon pursuant to this subsection.

3. The assessment of a pupil whose primary language is not English pursuant to NAC 389.063 must be administered before the earliest date on which the pupil would be required to take the proficiency examination required for his grade level if his primary language was English.

4. The department of education may schedule a special administration of any examination required to be passed for graduation if:

- (a) The person taking the examination is an adult or a pupil in grade 12;
- (b) That person, through no fault of his own, 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 389.056 is hereby amended to read as follows:

389.056 [1.] Achievement and proficiency examinations must be administered as follows:

[(a)] 1. For grade 4, all examinations must be administered pursuant to the instructions in “Comprehensive Test of Basic Skills, [Fourth Edition, Examiner’s Manual: Level 14,” copyright 1989] *TerraNova, Test Directions for Teachers: Level 14/22,*” copyright 1996 by CTB/McGraw-Hill.

[(b)] 2. For grade 8, examinations in reading and mathematics must be administered pursuant to the instructions in “Comprehensive Test of Basic Skills, [Fourth Edition, Examiner’s Manual: Level 17/18,” copyright 1989] *TerraNova, Test Directions for Teachers: Level 14/22,*” copyright 1996 by CTB/McGraw-Hill.

[(c)] 3. For grade 8, the examination in writing must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada Eighth Grade Proficiency Examination in Writing,” adopted by the department of education.

[(d)] 4. For grades 11 and above, the examinations must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada High School Proficiency Examination Mathematics, Reading and Writing,” adopted by the department of education.

[2. On or before September 25 of each year, each school principal shall, on a form developed by the department of education, verify that the procedures established in this section will be followed at his school.]

Sec. 8. NAC 389.058 is hereby amended to read as follows:

389.058 1. Except as otherwise provided in subsection 2, *a private entity that has contracted with the state board to score the examinations pursuant to paragraph (d) of subsection 2 of NRS 389.015 shall report* the results of [all examinations administered pursuant to NRS 389.015 to pupils in grades 4 and 8 must be reported] *the examinations* in writing [by

each district] to the department of education . [no later than August 1 of each year. This report must be in the form prescribed by the department and must:

- (a) Contain the results of all such examinations administered in the district during the preceding school year.
- (b) State, for each subject and grade level, and for each school and the district as a whole:
 - (1) The total number of examinations administered;
 - (2) The percentage of pupils achieving proficient levels;
 - (3) The stanine distribution of the results; and
 - (4) The mean normal curve equivalent score achieved.
- (c) Include the results of each examination administered to a pupil with a disability who participates in the regular educational program for the subject tested, unless his individualized educational program states that he is not capable of taking a standardized examination under standardized conditions.]

2. The provisions of subsection 1 do not apply to the results of examinations administered to:

(a) [Pupils who are excused from compulsory attendance in accordance with the provisions of NAC 392.015. Those results must be reported separately, for each district as a whole, in the form prescribed by the department of education.

(b)] Pupils whose primary language is not English. The number of such pupils who are examined pursuant to NAC 389.063 must be reported separately [for each:

- (1) Grade level;
- (2) School in a district; and

(3) District as a whole.] by the private entity scoring the examinations based on the answer sheet submitted to the entity by the school district for each pupil examined pursuant to NAC 389.063.

(b) Pupils who are enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and who are not gifted or talented pupils.

Sec. 9. NAC 389.061 is hereby amended to read as follows:

389.061 Except as otherwise provided in NAC 389.063, the following examinations must be used as examinations of achievement and proficiency:

1. For grade 4, the [total reading section, mathematics section and language section] “Reading Composite,” “Mathematics Composite” and “Language Composite” portions of Level 14, Comprehensive Test of Basic Skills, [fourth edition.] TerraNova Complete Battery Plus.

2. For grade 8:

(a) The [reading and mathematics sections] “Reading Composite” and “Mathematics Composite” portions of Level [17/18.] 18, Comprehensive Test of Basic Skills, [fourth edition. If a school district administers the test during grades 7 and 8, the form of the test given in grade 8 must be different from the form of the test given in grade 7 the previous year.] TerraNova Complete Battery Plus.

(b) The Nevada Proficiency Examination in Writing for the Eighth Grade prescribed by the department of education for each testing period.

3. For grades 11 and above:

(a) The Nevada High School Proficiency Examination in Reading;

(b) The Nevada High School Proficiency Examination in Mathematics; and

(c) The Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above,
prescribed by the department of education for each testing period.

Sec. 10. NAC 389.063 is hereby amended to read as follows:

389.063 1. Each school district shall use the “Language Assessment Scales-Oral,” copyright 1990 by CTB/McGraw-Hill, and the “Language Assessment Scales-Reading/Writing,” copyright 1990 by CTB/McGraw-Hill, to assess the proficiency in the English language of pupils whose primary language is not English. Except as otherwise provided [by subsection 2,] *in subsections 2 and 3*, the assessment must be used as the examination of achievement and proficiency for such pupils in grades 4 and 8.

2. If a pupil *in grade 4* is assessed at a level III or above as a result of the oral examination *administered pursuant to subsection 1* and at a level II or above as a result of the examination of reading and writing [given] *administered* pursuant to subsection 1, he [shall] *must also be required to* complete the examinations required by NAC 389.061.

3. *If a pupil in grade 8 is assessed at a level III or above as a result of the oral examination administered pursuant to subsection 1, at a level III or above as a result of the reading portion of the examination of reading and writing administered pursuant to subsection 1 and at a level II or above as a result of the writing portion of the examination of reading and writing administered pursuant to subsection 1, he must also be required to complete the examinations required by NAC 389.061.*

4. *If a pupil is assessed below a level III on the oral examination administered pursuant to subsection 1, he is not required to complete the examination of reading and writing prescribed in subsection 1.*

Sec. 11. NAC 389.066 is hereby amended to read as follows:

389.066 A pupil who earns any of the following scores on the examinations administered pursuant to NRS 389.015 has not demonstrated adequate achievement:

1. For grade 4, a score on the examination in reading, mathematics or language at or below the [22nd] 25th percentile of the national norms for that examination.

2. For grade 8, a score on the examination in reading or mathematics at or below the [22nd] 25th percentile of the national norms for that examination.

3. For grade 8, a score on one or more of the traits that are separately scored on the examination in writing of below 3.

Sec. 12. NAC 389.076 is hereby amended to read as follows:

389.076 1. Each edition of the Nevada High School Proficiency Examination in Reading to be used after the [fall of 1989] spring of 1997 must assess pupils' [skills in the following areas:

(a) Vocabulary and determining the meaning of words in context;

(b) Identifying details and main ideas in selections;

(c) Identifying the sequence of events in a selection or steps in a set of directions;

(d) Making comparisons and contrasts;

(e) Identifying causes and effects;

(f) Distinguishing between facts and opinions;

(g) Predicting outcomes and drawing conclusions based on the material read; and

(h) Understanding the author's intent.] *abilities to:*

(a) *Read to obtain information;*

(b) *Understand literature; and*

(c) Read materials that assist them in performing a task.

2. Pupils may be tested in the areas listed in subsection 1 for:

(a) Their [perception of words and the translation of those words into the explicit meaning of the ideas represented (literal comprehension);] *abilities to comprehend the meaning of the material they have read;*

(b) Their [ability to understand implied meanings and discover relationships (inferential comprehension); and] *abilities to understand the intent of the author of the material they have read;*

(c) Their [ability to use a background of experience to react to, judge and evaluate ideas or imagery received from the material, including the ability to accept or reject ideas as a result of their evaluation (critical reading).] *abilities to form an opinion regarding the material they have read; and*

(d) Their abilities to respond critically to the ideas expressed in the material they have read.

3. Passages on the examination may include selections:

(a) Relating to literature, social studies, science, mathematics, occupational education, computer education and other areas of study included in the pupils' curriculum; and

(b) From informational materials such as periodicals, manuals, handbooks and other publications.

4. [Each examination must contain an equal number of questions from each of the areas listed in subsection 1.

5.] All questions on the examination must be presented as multiple choice questions.

Sec. 13. NAC 389.081 is hereby amended to read as follows:

389.081 1. Each edition of the Nevada High School Proficiency Examination in Mathematics to be used after the [fall of 1989] *spring of 1997* must assess pupils' skills in the following areas:

- (a) Adding, subtracting, multiplying and dividing whole numbers, decimals, fractions and percentages using a single step;
- (b) Adding, subtracting, multiplying and dividing whole numbers, decimals, fractions and percentages using multiple steps;
- (c) Using formulas and simple equations;
- (d) Solving problems involving measurements;
- (e) Geometry; and
- (f) Solving problems using information obtained from tables, charts, printouts, graphs, maps and scales.

2. *The examination must also assess the pupils':*

- (a) Understanding of mathematical concepts;*
- (b) Knowledge of the procedures to be used to solve a problem; and*
- (c) Abilities to reason and solve problems.*

3. The examination must emphasize the ability to solve problems and [to apply the skills listed in subsection 1, not the ability] to perform calculations [.

3. Each examination must contain an equal number of questions from each of the areas listed in subsection 1.] *in the following areas of mathematics:*

- (a) Numbers and operations;*
- (b) Measurements;*
- (c) Geometry;*

(d) Data analyses, probabilities and statistics; and

(e) Algebra and functions.

4. All questions on the examination must be presented as multiple choice questions.

Sec. 14. NAC 389.655 is hereby amended to read as follows:

389.655 1. A pupil must not be given a standard diploma until he has, after entering grade 11, passed:

(a) The Nevada High School Proficiency Examination in Reading;

(b) The Nevada High School Proficiency Examination in Mathematics; and

(c) The Nevada High School Proficiency Examination in Writing [*.] for the Eleventh Grade and Above.*

2. After entering grade 11, if a pupil passes one of the high school proficiency examinations, he is not required to take that examination again to graduate.

3. Passing scores on the high school proficiency [*examination]* *examinations* are as follows:

(a) In reading, 400.

(b) In mathematics, 400.

(c) In writing, 7.

4. A pupil must not be allowed to take any one of the high school proficiency examinations more than 5 times between the beginning of grade 11 and July 31 of the year in which the pupil is in grade 12.

Sec. 15. NAC 389.658 is hereby amended to read as follows:

389.658 1. The board of trustees of each school district shall submit the results of *the* proficiency examinations to the superintendent of public instruction by the time and in the form and manner he requires.

2. The superintendent shall annually notify each board of trustees of the requirements for submitting the results. [He shall allow each board adequate time to schedule the examinations, obtain and evaluate the data and submit the results.]

3. The duty of a board to submit the results is fulfilled when the superintendent receives the results from the board or from a central reporting agency.]

Sec. 16. NAC 389.660 is hereby amended to read as follows:

389.660 [1.] If a pupil has not demonstrated his proficiency in English or mathematics or *has not* passed the appropriate proficiency examination by the end of the 11th grade, he shall enroll in such [additional] *remedial* courses as are appropriate.

[2. Each school district shall prepare syllabuses for such additional courses. These syllabuses must include statements of educational methods and strategies which are different from those used in the regular courses.]

Sec. 17. 1. This section and sections 1 to 5, inclusive, and 7 to 16, inclusive, of this regulation become effective upon filing with the secretary of state.

2. Section 6 of this regulation becomes effective on July 1, 1998.