

LCB File No. R019-98

PROPOSED REGULATION OF THE DEPARTMENT OF EDUCATION

EXPLANATION – Matter in italics was effective December 10, 1997; matter in brackets [] is material to be omitted; bolded and underlined material is new.

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 or tenth 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 *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. *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 grades 4, 8, and 10 the examinations *in reading, language, mathematics, and science* 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. *End delete*~~

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

~~(e) (d)~~ For grade 11, the examinations in reading and mathematics must be administered at some time Monday through *Friday* during the week of the third Wednesday in *October, for diagnostic purposes only, and during the week of the third Wednesday in April.*

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

[g] ***[f]*** 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 Wednesday in February, the fourth Thursday in April, the *third Thursday in July* and the third Wednesday in October.

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

[i] ***[h]*** 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 Wednesday in February, the fourth Thursday in April, the *third Thursday in July* and the third 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. 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 grades 4, 8, and 10 the examinations in reading, language, mathematics, and science must be administered between October 2 and October 27.

(b) For grades 4 and 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. end delete]~~

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

~~(e) (d) For grade 11, the examinations in reading and mathematics must be administered at some time Monday through Thursday during the week of:~~

(1) *The first* Wednesday in October; and

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

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

~~[(g)] (f)~~ 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 ~~fourth~~ second Wednesday in ~~January~~ February, *the third* Thursday in April, the third Thursday in ~~July~~ June and the *first* Wednesday in October.

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

~~[(i)] (h)~~ 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 ~~fourth~~ second Wednesday in ~~January~~ February, *the third* Thursday in April, the third Thursday in ~~July~~ June and the *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 Achievement and proficiency examinations must be administered as follows:

1. For grades 4, 8, and 10, all examinations must be administered pursuant to the instructions in “Comprehensive Test of Basic Skills, *TerraNova, Test Directions for Teachers: Level 14/22*,” copyright 1996 by CTB/McGraw-Hill.

(a) For grades 4, 8, and 10, special education pupils whose Individualized Education Program does not indicate that they may not be tested with norm referenced examinations must be included in TerraNova testing. Such pupils are included with regular pupil testing if

the pupils can be adequately tested under acceptable accommodations as listed in the “Nevada Proficiency Examination Program, TerraNova Grades 4, 8, and 10 Test Coordinator’s Manual,” copyright 1997 by CTB/McGraw-Hill.

~~*2. For grade 8, examinations in reading and mathematics must be administered pursuant to the instructions in “Comprehensive Test of Basic Skills, TerraNova, Test Directions for Teachers: Level 14/22,” copyright 1996 by CTB/McGraw Hill. end delete}*~~

~~*[3]. 2. For grade 4, the examination in writing must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada Fourth Grade Proficiency Examination in Writing,” adopted by the department of education.*~~

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.

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.

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 the examinations* in writing to the department of education .

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

(a) Pupils whose primary language is not English. The number of such pupils who are

examined pursuant to NAC 389.063 must be reported separately *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:

For grade 4: *[,]*

(a) The “Reading Composite,” “Mathematics Composite” [and] “Language Composite,” and “Science” portions of Level 14, Comprehensive Test of Basic Skills, [fourth edition.] TerraNova Complete Battery Plus.

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

2. For grade 8:

(a) The “Reading Composite,” [and] “Mathematics Composite,” “Language Composite,” and “Science” portions of Level 18, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

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

3. For grade 10, the “Reading Composite,” “Mathematics Composite,” “Language Composite,” and “Science” portions of Level 20, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

[3.] 4. 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, to assess the proficiency in the English language of pupils whose primary language is not English. Except as otherwise provided 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, and 10*.

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 *administered* pursuant to subsection 1, he *must* also *be required to* complete the examinations required by NAC 389.061.

3. *If a pupil in grade 8 or grade 10 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 or 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 must not be 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 grades 4, ~~8, or 10~~, a score on the examination in reading, mathematics, ~~[or]~~ language, or science at or below the 25th percentile of the national norms for that examination.

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

~~[3.] 2.~~ For grade 4 or 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 *spring of 1997* must assess pupils' *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 abilities to comprehend the meaning of the material they have read;

(b) Their abilities to understand the intent of the author of the material they have read;

(c) Their 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. 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 *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 perform calculations *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 *examinations for students in grade 12* are as follows:

(a) In reading, 400.

(b) In mathematics, 400.

(c) In writing, 7.

4. Passing scores on the reading and the mathematics high school proficiency examinations for students in grade 11 are set by the state board of education. Passing score on the writing high school proficiency examination for students in grade 11 is 7.

[4.] 5. 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.

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

389.660 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 *remedial* courses as are appropriate.

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.