

LCB File No. T008-98

TEMPORARY REGULATION OF THE DEPARTMENT OF EDUCATION

Explanation: Material in *Italics* is new; material in brackets [] is material to be omitted.

AUTHORITY: NRS 389.080 and 389.015

Section 1. Section 7 of LCB File No. R019-98 and R060-98 is hereby amended to read as follows:

Sec. 7. 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. For pupils who enroll in grade 12 in the 1997-98 school year, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, 400.
- (b) In mathematics, 400.
- (c) In writing, 7.

4. For pupils who enroll in grade 11 in the 1997-98 school year, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, 70 percent of the questions on the examination answered correctly.
- (b) In mathematics, 61 percent of the questions on the examination answered correctly.
- (c) In writing, 7.

5. For pupils who enroll in grade 11 in the 1998-1999 school year, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, 71 percent of the questions on the examination answered correctly.*
- (b) In mathematics, 64 percent of the questions on the examination answered correctly.*
- (c) In writing, 7.*

6. A pupil must not be allowed to take any one of the high school proficiency examinations more than five times between the beginning of grade 11 and June 30 of the year in which the pupil is in grade 12.

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
NAC 389, Nevada Proficiency Examination Program**

IMPACT STATEMENT

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 389, Nevada Proficiency Examination Program:

- 1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notice of workshop to Solicit Comments on Proposed Regulations was sent to approximately one-hundred twenty-five individuals and educational organizations. One workshop was held September 12, 1998. There were two comments from the public.

The Notice of Intent to Act Upon a regulation for public hearing on the proposed new regulations (NAC 389) was sent to approximately one-hundred twenty-five individuals and educational organizations. One public hearing was conducted on September 12, 1998 to provide the opportunity for comments by affected parties and the public. Public response focused on proposed independent study regulations. There were comments from the public.

- 2. The Number of persons Who:**

a) **Attended Each Hearing:** Workshop: 13 First Hearing: 11 Second Hearing: n/a

b) **Testified at Each Hearing:** Workshop: 1 First Hearing: 0 Second Hearing: n/a

and,

c) **Submitted Written Statements:** Workshop: 0 First Hearing: 1 Second Hearing: n/a

Written comment was submitted by John P. Milon, Ph.d., Reno, Nevada, requesting that the State Board not raise the current passing score due to the percent of failure rates for Limited English Proficient (LEP) students.

A copy of any written comments may be obtained by calling LaDonna Byrd, Board Secretary, at the department of Education (702) 687-9225, or by writing to the Department of Education, 700 East Fifth Street, Carson City, Nevada 89701-5096.

- 3. A description of how comment was solicited from affected businesses, a summary of the response and an explanation how other interested parties may obtain a copy of the summary.**

Comment was solicited through the workshop notice and public hearing notice of August 8, 1998.

At the workshop held at 8:15 a.m. on September 12, 1998, comment was received from: 1) Dr. Stanley Rabinowitz, Consultant, WestEd, provided data on standards setting process and principles used by the review committee which recommended that the Board set the passing scores for the 1998-99 eleventh grade proficiency examination program at 71 percent for reading and 64 percent for mathematics; the writing score will remain at 7; 2) Dottie Merrill, Test Director, Washoe County School District, agreed with the recommended passing scores as they are at the moderate level. She was concerned that there will be a higher failure rate than anticipated because of the October testing date. There were no comments from the public at the one-time only public hearing held September 12, 1998.

A copy of the summary and/or minutes of the public hearing may be obtained by calling LaDonna Byrd, Board Secretary, at the Department of Education (702) 687-9225, or by writing to the Department of Education at 700 East Fifth Street, Carson city, Nevada 89701-5096.

4. If the regulation was adopted with or without change to any part of the proposed regulation, a summary of the reasons for adopting.

The temporary regulation was adopted by the Nevada State Board of Education at the public hearing on September 12, 1998, with changes to the proposed language to set a passing score of 71 percent for reading and 64 percent for mathematics for the 1998-1999 eleventh grade proficiency examination program.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be state separately, and each case must include:

There is no economic effect on the school districts. There is no estimated economic effect on the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

No other state or government agency regulations will be overlapped or duplicated by the above noted regulations. There is no duplication or overlap of federal regulations.

9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are none.

- 10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee.