

LCB File No. T001-02

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

Explanation: Matter in *italics* is new; matter in brackets [] and ~~stricken~~ is material to be omitted.

AUTHORITY: NRS 385.080 & 389.015

Section 1. NAC 389 is hereby amended as follows:

Section 2. NAC 389.048 Eligibility for high school proficiency examinations.

1. Except as otherwise provided in subsection 2, to determine the eligibility of a pupil who has completed at least grade 9 in the 2001-2002 school year or thereafter to take the high school proficiency examinations, the pupil shall be deemed in:

- (a) Grade 10 if the pupil has completed at least 5 units of credit.
- (b) Grade 11 if the pupil has completed at least 11 units of credit.
- (c) Grade 12 if the pupil has completed at least 17 units of credit.

2. ~~[If a pupil has an academic plan which projects that the pupil will graduate from high school before he is granted the number of opportunities to take the high school proficiency examinations that is otherwise granted to pupils in grades 11 and 12, the pupil may submit a written request to the superintendent of schools of the school district in which the pupil is enrolled or the governing body of the charter school in which the pupil is enrolled to take the high school proficiency examinations for the first time before he has earned the 5 units of credit required for grade 10.]~~ *If, at the beginning of a pupil's 4th year or more of school commencing with grade 9, the pupil has earned fewer than 17 units of credit, but has an academic plan which projects that the pupil will graduate from high school at the end of that school year, the pupil may submit a written request to the superintendent of schools of the school district in which the pupil is enrolled or the governing body of the charter school in which the pupil is enrolled to take the high school proficiency examinations during times scheduled for 12th grade pupils.*

Section 3. NAC 389.655 Passage of proficiency examinations.

1. A pupil must not be given a standard diploma until the pupil 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.

For pupils who graduate from high school before the 2004-2005 school year, the Nevada High School Proficiency Examination in Science must be used solely to gather information concerning the examination and must not be used as a condition for receipt of a high school diploma.

2. After entering grade 10, if a pupil passes one of the high school proficiency examinations, the pupil is not required to take that examination again to graduate.

3. For pupils who enroll in grade 11 in the 1997-1998 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.

4. For pupils who enroll in grade 11 in the 1998-1999 school year, the 1999-2000 school year or the 2000-2001 school year, passing scores on the high school proficiency examinations are as follows:

- (a) In reading, a scaled score of 71.
- (b) In mathematics, a scaled score of 64.
- (c) In writing, 7.

5. ~~[On or before January 1, 2002, the state board of education will set the passing scores on the high school proficiency examinations for pupils who enroll in grade 11 in the 2001-2002 school year or thereafter. In making its determination of the appropriate passing scores, the state board of education will consider the scores received by pupils in the October 2001 administration of the examinations. The department of education shall provide notice to each school district and charter school of the passing scores that are set at least until such time as the scores are codified in regulation.]~~ *For pupils who enroll in grade 10 and in grade 11 in the 2001-2002 school year, passing scores on the high school proficiency examinations are as follows:*

- (a) In reading, a scaled score of 251.*

(b) In mathematics, a scaled score of 304.

(c) In writing, 7.

6. A passing score that is in effect at the time that a pupil enrolls in grade 11 will remain in effect for 1 year after the pupil's anticipated completion of grade 12.

7. For pupils who enroll in an adult high school diploma program after July 1, 2000, but before July 1, 2003, passing scores on the high school proficiency examinations are as follows:

(a) In reading, a scaled score of 71.

(b) In mathematics, a scaled score of 64.

(c) In writing, 7.

8. For pupils who enroll in an adult high school diploma program after July 1, 2003, passing scores on the high school proficiency examinations ~~are the scores that are set by the state board of education pursuant to subsection 5]~~ *will be determined prior to the 2003-2004 school year.*

Section 4. 1. *For students classified as being in 10th grade at the beginning of their 3rd school year who participated in the norm-referenced test as a 10th grader in the fall of their 2nd school year, schools and school districts must:*

a) Use the scores from the initial 10th grade administration; or,

b) Require students to retest.

2. School districts must adopt a uniform policy to address Subsection 1.

3. For students classified as being in 10th grade at the beginning of their 3rd school year who did not participate in the norm-referenced test as a 10th grader in the fall of their 2nd school year, schools and school districts must require the students' participation.

INFORMATIONAL STATEMENT

**NEVADA DEPARTMENT OF EDUCATION
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 (Temporary)**

The following statement is submitted for adopted amendments to Nevada Administrative Code 389:

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.

The Notice of Workshop to Solicit Comments on proposed revisions to NAC 389, Nevada Proficiency Examination Program was sent to approximately one-hundred fifty individuals and educational organizations. Two workshops were conducted on April 13, 2002 and May 18, 2002, to provide the opportunity for comments by affected parties and the public. There were comments from the public.

The Notice of Intent to Act Upon a Regulation for public hearing for Board adoption of revisions to NAC 389, Nevada Proficiency Examination Program, was sent to approximately one-hundred fifty individuals and educational organizations. One public hearing was conducted on July 26, 2002, to provide the opportunity for comments by affected parties and the public. There were comments from the public. The Board adopted the temporary language on July 26, 2002, without revision.

2. The Number of Persons Who:

a) Attended Each Hearing: Workshop #1: 4 Workshop #2: 13 Hearing: 6

b) Testified at Each Hearing: Workshop #1: 1 Workshop #2: 1 Hearing : 1

and,

c) Submitted Written Statements: Workshop #1: 0 Workshop #2: 0 Hearing: 0

No written comments were submitted.

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 notices of March 19, and April 18, 2002, and Public Hearing notice of June 19, 2002. Comments were made by one member of the public at both of workshops April 13, 2002, and May 18, 2002 Workshop and at the July 26, 2002, public hearing by Dotty Merrill, Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, in support of the proposed changes.

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 (775) 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 language was adopted by the State Board of Education at the public hearing held July 26, 2002.

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

There is no economic effect on the business which is regulated. There is no estimated economic effect on the public, either adversely or beneficially, nor immediate or long term.

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.

8. 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.

9. 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.