

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

**LCB FILE NO. R097-171**

**The following document is the initial draft regulation proposed  
by the agency submitted on 09/08/2017**

Regulation 389.XXX

Administration of achievement and end-of-course examinations and college and career readiness assessments

NAC 389.XXX State The State Board shall prescribe the:

a) Courses of study for which an end-of-course final must be administered; and

(b) Amount, expressed as a percentage of the pupil's overall grade in the course of study or other weight that the end-of-course final must comprise when determining the overall grade of a pupil in the course for which the end-of-course final is administered.

**NAC 389.0482** ~~Eligibility of pupil to take end-of-course examination. (NRS 385.080, 389.805) After entering grade 6, a pupil who is enrolled in or has completed each course for which an end-of-course examination is approved pursuant to NAC 389.6585 is eligible to take the examination.~~

**NAC 389.051** Times for administration; special administration. (NRS 385.080, 389.550, 389.805, 389.807)

1. Except as otherwise provided in subsection 2, the board of trustees of each school district and the governing body of each charter school, respectively, shall administer the examinations and assessment required by NRS 389.550, 389.805 and 389.807 in each public school in that district and each charter school which has the appropriate grades. Except as otherwise provided in this subsection, the examinations and assessment must be administered in the spring semester on the dates specified by the Department, as follows:

(a) For grades 3 through 8, the criterion-referenced examinations in reading and mathematics as provided in NAC 389.061.

(b) For grades 5 and 8, the criterion-referenced examinations in writing and science.

(c) For pupils in grade 11, the college and career readiness assessment.

(d) ~~Except as otherwise provided in this paragraph, for pupils who are enrolled in courses for which end-of-course examinations are approved pursuant to NAC 389.6585, those examinations. For any pupil who fails an end-of-course examination, the examination must be~~

~~administered again to the pupil during the summer months on the dates specified by the Department.~~

**NAC 389.0515** General requirements for examinations. (NRS 385.080, 389.550, 389.805)

1. An examination that is administered to assess the achievement and proficiency of pupils in this State must:

(a) If the examination is administered pursuant to NRS 389.550, measure the achievement and proficiency of pupils in the standards of content established by the Council to Establish Academic Standards for Public Schools, as adopted by the State Board of Education pursuant to NRS 389.520;

~~(b) If the examination is an end-of-course examination, measure the achievement and proficiency of pupils in the subjects set forth in subsection 1 of NRS 389.018 and NAC 389.6552;~~

(c) Be designed so that data relating to past and future trends of the examination scores of pupils may be compiled;

(d) Measure the specific knowledge and skills or level of achievement and proficiency that it was designed to measure;

(e) Be fair to all potential examinees and, insofar as practicable, be designed to account for differences among the examinees in their gender, culture and primary language; and

(f) Be useful in determining the achievement and proficiency of a pupil relative to a particular level of achievement and proficiency.

2. The costs of such an examination must not exceed the appropriations made by the Legislature for the administration of the examination.

3. The results of such an examination must be reported in a manner that:

(a) Is clear to parents and teachers; and

(b) Avoids the use of technical terms.

4. The Department shall provide a program of professional development for teachers relating to the interpretation of the results of such an examination.

(Added to NAC by Bd. of Education by R065-99, eff. 11-3-99; A by R072-01, 11-7-2001; R072-01, 11-7-2001, eff. 7-1-2002; R061-14, 12-22-2014)

**NAC 389.057** Eligibility for reexamination. (NRS 385.080, 389.550, 389.805)

~~1. Except as otherwise provided in subsection 2, a pupil who fails an end-of-course examination is eligible to be reexamined only at the times the examination is administered pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.~~

~~2. If the pupil does not pass an end-of-course examination before the completion of grade 12, the pupil may be reexamined any time that the examination is administered to adults pursuant to NAC 389.051 after providing proof to the school district or, if the pupil attends a charter school, to the charter school that the pupil has completed the appropriate remedial study.~~

(Added to NAC by Bd. of Education, eff. 10-8-93; A by R065-99, 11-3-99; R072-01, 11-7-2001; R020-09, 10-27-2009; R061-14, 12-22-2014)

**NAC 389.0574** ~~School district to provide remedial study to pupil who fails end-of-course examination; plan to provide remedial study to be provided to Department; review and approval of plan; times remedial study to be offered. (NRS 385.080, 389.805)~~

~~1. Each school district shall provide remedial study to each pupil enrolled in a public school in the district who fails an end-of-course examination.~~

~~2. Each school district shall develop a plan to provide the remedial study described in subsection 1. The plan must prescribe an appropriate amount of remedial study, as determined by the teacher of the course with which the examination is aligned, the public school, or both, for each end-of-course examination.~~

~~3. Not later than July 1, each school district shall submit to the Department the plan developed pursuant to subsection 2.~~

~~—4.— Not later than 45 days after the Department receives a plan submitted pursuant to subsection 3 or resubmitted pursuant to subsection 5, the Department will review the plan and:~~

~~—(a) Approve the plan and provide notice to the school district that the plan is approved; or~~

~~—(b) Return the plan to the school district with recommendations for revision.~~

~~—5.— If the Department returns a plan to a school district pursuant to paragraph (b) of subsection 4, the school district shall, within 20 days after it receives the plan, revise and resubmit the plan to the Department. A plan may be revised and resubmitted until it is approved.~~

~~—6.— A school district shall not charge a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the location where the remedial study is provided.~~

~~—7.— The remedial study described in subsection 1 may be offered:~~

~~—(a) During the regular school day;~~

~~—(b) During summer school;~~

~~—(c) During intersession school; or~~

~~—(d) As part of a program that is offered before or after the regular school day.~~

(Added to NAC by Bd. of Education by R061-14, eff. 12-22-2014)

**NAC 389.0576** ~~Charter school to provide remedial study to pupil who fails end-of-course examination; plan to provide remedial study to be provided to sponsor; review and approval of plan; times remedial study to be offered. (NRS 385.080, 389.805)~~

~~—1.— Each charter school shall provide remedial study to each pupil enrolled in the charter school who fails an end-of-course examination.~~

~~—2.— The governing body of each charter school shall develop a plan to provide the remedial study described in subsection 1. The plan must prescribe an appropriate amount of remedial study, as determined by the teacher of the course with which the examination is aligned, the governing body of the charter school, or both, for each end-of-course examination.~~

~~—3.— Not later than July 1, the governing body of each charter school shall submit to the sponsor of the charter school the plan developed pursuant to subsection 2.~~

~~—4.— Not later than 45 days after a sponsor of the charter school receives a plan submitted pursuant to subsection 3 or resubmitted pursuant to subsection 5, the sponsor shall review the plan and:~~

~~—(a) Approve the plan and provide notice to the governing body of the charter school that the plan is approved; or~~

~~—(b) Return the plan to the governing body of the charter school with recommendations for revision.~~

~~—5.— If the sponsor of a charter school returns a plan to the governing body of the charter school pursuant to paragraph (b) of subsection 4, the governing body shall, within 20 days after~~

~~it receives the plan, revise and resubmit the plan to the sponsor of the charter school. A plan may be revised and resubmitted until it is approved.~~

~~—6.— A charter school shall not charge a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the location where the remedial study is provided.~~

~~—7.— The remedial study described in subsection 1 may be offered:~~

~~—(a) During the regular school day;~~

~~—(b) During summer school;~~

~~—(c) During intersession school; or~~

~~—(d) As part of a program offered before or after the regular school day.~~

**NAC 389.083** Maintenance of results of examinations and list of names and scores. (NRS 385.080, 389.550, 389.805)

1. A school district shall keep the results of all examinations administered pursuant to NRS 389.550 to pupils in grades 3 through 8 for 4 years after the date of the administration of the examinations.

2. The Department shall keep the results of all examinations administered pursuant to NRS 389.550 to pupils in grades 3 through 8 for 4 years after the date of the administration of the examinations.

3. The Department shall maintain a list of the name and scores of each pupil who takes the High School Proficiency Examinations for 10 years after the date of the administration of the Examinations. A school district shall maintain a list of the name and scores of each pupil who takes the High School Proficiency Examinations for 10 years after the date of the administration of the Examinations.

~~4. The Department shall maintain a list of the name and scores of each pupil who takes an end-of-course examination for 10 years after the date of the administration of the examination. A school district shall maintain a list of the name and scores of each pupil who takes an end-of-course examination for 10 years after the date of the administration of the examination.~~

(Added to NAC by Bd. of Education, eff. 9-13-91; A 1-26-94, eff. 9-1-94; R072-01, 11-1-2001; R042-05, 10-31-2005; R020-09, 10-27-2009; R037-12, 9-14-2012; R061-14, 12-22-2014)

**NAC 389.0242** ~~“End of course examination” defined. (NRS 385.080, 389.805) “End of course examination” means an examination required by NRS 389.805 and NAC 389.6552.~~

(Added to NAC by Bd. of Education by R061-14, eff. 12-22-2014)

**NAC 389.6552** ~~Passage of end of course examinations required for diploma to be awarded. (NRS 385.080, 389.805)~~

~~1. A pupil in the graduating cohort of 2017 or 2018 must not be given a standard high school diploma until the pupil has passed:~~

~~—(a) The Nevada End of Course Examination in Mathematics I;~~

~~—(b) The Nevada End of Course Examination in Mathematics II;~~

~~—(c) The Nevada End of Course Examination in English Language Arts I; and~~

~~—(d) The Nevada End of Course Examination in English Language Arts II.~~

~~2. For the purposes of subsection 1, a pupil shall be deemed to have passed an end of course examination if the pupil obtains at least the passing score published for the examination by the Department or:~~

~~—(a) Passes the course with which the examination is aligned, in accordance with any established grading policy of the school district or charter school, as applicable; and~~

~~—(b) Takes and makes a reasonable attempt to complete the examination.~~

~~3. A pupil in the graduating cohort of 2019 must not be given a standard high school diploma until the pupil has passed:~~

~~—(a) The Nevada End of Course Examination in Mathematics I;~~

~~—(b) The Nevada End of Course Examination in Mathematics II;~~

~~—(c) The Nevada End of Course Examination in English Language Arts I; and~~

~~—(d) The Nevada End of Course Examination in English Language Arts II.~~

~~4. A pupil in the graduating cohort of 2020 or any year thereafter must not be given a standard high school diploma until the pupil has passed:~~

~~—(a) The Nevada End of Course Examination in Mathematics I;~~

- ~~—(b) The Nevada End of Course Examination in Mathematics II;~~
- ~~—(c) The Nevada End of Course Examination in English Language Arts;~~
- ~~—(d) The Nevada End of Course Examination in Science; and~~
- ~~—(e) Any other end of course examination required by the State Board which is applicable to a graduating cohort.~~

~~—5. Each edition of an end of course examination must be based upon the standards of content and performance established for the applicable course of study pursuant to NRS 389.520.~~

(Added to NAC by Bd. of Education by R061-14, eff. 12-22-2014; A by R036-15, 10-27-2015)

~~—NAC 389.658 Submission of results of end of course examinations. (NRS 385.080, 389.805)~~

~~1. The board of trustees of each school district shall submit the results of the end of course examinations to the Superintendent of Public Instruction by the time and in the form and manner he or she requires.~~

~~—2. The Superintendent shall annually notify each board of trustees of the requirements for submitting the results.~~

[Dep't of Education, Proficiency Examination Reg. Nos. 1-3, eff. 2-15-80] — (NAC A by Bd. of Education by R115-97, 12-10-97; R061-14, 12-22-2014)

**NAC 389.6585** Publication of standards and passing grades; submission by school districts and charter schools of certain information; review and approval by Department. (NRS 385.080, 389.805)

1. Immediately preceding each school year and for each end-of-course examination, the Department will:

(a) On or before June 1, publish the standards for the examination; and

~~—(b) On or before July 15, publish the passing grade for the examination.~~

~~—2. Each school district and charter school shall, on or before July 1 of each year and for each course for which an end of course examination is approved, submit to the Department:~~

~~—(a) The titles and corresponding codes of the course; and~~



~~—(b) An alignment chart which demonstrates that the pupils enrolled in the course will receive instruction in accordance with the standards of content and performance established for that course pursuant to [NRS 389.520](#).~~

~~—3. The Department will review the information described in subsection 2 and, on or before August 1 of each year, give written notice to the school district or charter school, as applicable, of the end-of-course examination approved for each course for which the school district or charter school submitted the information.~~

(Added to NAC by Bd. of Education by R061-14, eff. 12-22-2014; A by R061-14, 12-22-2014, eff. 1-1-2015)

**NAC 389.688** Requirements for adult standard diploma. ([NRS 385.080](#), [385.110](#), [389.805](#))

1. A school district may award an adult standard diploma to a person who:

(a) Withdrew from high school before the person’s graduation and was not eligible to graduate with his or her class, or participated in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to [NRS 388.537](#);

~~(b) Has passed all required end-of-course examinations;~~

(c) Has earned, in high school, in an adult high school program or in an alternative program for the education of pupils at risk of dropping out of school established by a school district pursuant to [NRS 388.537](#), or waived, the units of credit required in subsection 2; and

(d) Is 18 years of age or older at the time of the award or is 17 years of age but less than 18 years of age and participates in an alternative program for the education of pupils at risk of dropping out of school pursuant to [NRS 388.537](#).

2. Except as otherwise provided in subsection 3, the units of credit which a person must have earned or waived to be qualified to receive an adult standard diploma are a total of 13 units for required courses and a total of 7 1/2 units for elective courses. The person must have earned or waived his or her units for the required courses in accordance with the following table:

Required Course	Minimum Number of Units
American government.....	1

Required Course	Minimum Number of Units
American history.....	1
Arts and humanities, Junior Reserve Officers' Training Corps (Level III or Level IV) or career and technical education.....	1
English.....	4
Health education.....	1/2
Mathematics.....	3
Science.....	2
Use of computers.....	1/2
TOTAL:	13

3. If a person demonstrates a competency in the use of computers, the person is not required to complete the course in the use of computers and must earn or waive a total of 12 1/2 units in required courses.

**NAC 389.815** Requirements for endorsement on diploma indicating successful completion of program. (NRS 385.080, 385.110, 388.360, 388.380, 389.805)

1. To qualify for an endorsement on a high school diploma indicating that a pupil has successfully completed a course of study in a program area for a program of career and technical education set forth in subsection 1 of NAC 389.803, the pupil must:

(a) Satisfactorily complete a sequence of courses leading to a completion course prescribed by the school district or charter school in which the pupil is enrolled for the course of study selected.

(b) Satisfy the state academic requirements governing receipt of a standard high school diploma and the statutes and regulations governing the receipt of a standard high school diploma, ~~including, without limitation, passage of all required end-of-course examinations.~~

(c) Satisfy the requirements for the issuance of a certificate pursuant to subsection 4 of NAC 389.800.

2. The sequence and completion courses required by paragraph (a) of subsection 1 must be approved by the Department.

3. The endorsement must be located on the front of the high school diploma in a format prescribed by the Department of Education.

(Added to NAC by Bd. for Career & Tech. Educ. by R172-05, eff. 2-23-2006; A by Bd. of Education by R087-12, 11-1-2012; A by Bd. for Career & Tech. Educ. by R154-13, 6-23-2014; A by Bd. of Education by R061-14, 12-22-2014)