

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

LCB File No. R072-01

October 9, 2001

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

AUTHORITY: §§1-3, 15, 21-28 and 30, NRS 385.080 and 389.015; §§4-7, 31 and 32, NRS 385.080; §§8-19, NRS 385.080, 389.015 and 389.550; §20, NRS 385.080, 389.015, 389.017 and 389.550; §29, NRS 385.080, 389.017 and 389.560.

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. *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.

Sec. 3. 1. Each edition of the Nevada High School Proficiency Examination in Science must be based upon the standards of content and performance in science adopted pursuant to NRS 389.520 and must assess pupils' skills in the following areas:

(a) Physical science, which includes:

- (1) Forces and motion;**
- (2) Structure and properties of matter;**
- (3) Energy;**
- (4) Chemical reactions; and**
- (5) Nuclear and electromagnetic energy.**

(b) Life science, which includes:

- (1) Structure and function;**
- (2) Anatomy, physiology and behavior;**
- (3) Heredity and diversity; and**
- (4) Evolution.**

(c) Earth science, which includes:

- (1) The structures and composition of the earth;**
- (2) Models of the earth;**
- (3) The history of the earth;**
- (4) Cycles of matter and energy; and**
- (5) The solar system and the universe.**

(d) Environmental science, which includes:

- (1) Ecosystems;**
- (2) Natural resources; and**

(3) Conservation.

(e) Historical and technological perspectives of science.

(f) Scientific reasoning and critical thinking.

(g) Systems, models and predictions.

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

(a) Their understanding of the basic concepts, terms and historical basis of science;

(b) Their understanding of the general organizing principles of science; and

(c) Their abilities to understand and apply the skills and procedures necessary to design and perform scientific investigations.

3. 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 and data concerning the examination and must not be used as a condition for receipt of a high school diploma.

Sec. 4. NAC 389.015 is hereby amended to read as follows:

389.015 “Adjusted diploma” means a diploma which evidences the graduation from high school of a ~~handicapped~~ pupil *with a disability* after ~~he~~ *the pupil* has met special requirements or adjusted standards.

Sec. 5. NAC 389.0195 is hereby amended to read as follows:

389.0195 “Criterion-referenced examination” means an examination in which the achievement and proficiency of a pupil ~~in this state~~ on the examination is compared to an expected level of achievement and proficiency on the examination that is ~~is~~ ~~—1.—Based~~ *based* on the specific academic standards, knowledge and skills that the examination was designed to measure . ~~is; and~~

~~—2.— Determined before the administration of the examination.]~~

Sec. 6. NAC 389.027 is hereby amended to read as follows:

389.027 “High school proficiency examinations” means the criterion-referenced examinations ~~[in the areas of writing, mathematics and reading]~~ that:

1. Are administered to pupils in this state before the completion of grade 11 pursuant to NRS 389.015; and

2. Pupils must pass to receive a standard high school diploma.

Sec. 7. NAC 389.031 is hereby amended to read as follows:

389.031 “Norm-referenced examination” means an examination that:

1. ~~[Is created by a private entity;~~

~~—2.—]~~ Is administered to a national reference group; and

~~[3.]~~ **2.** Allows for a comparison of the achievement and proficiency of ~~[a pupil]~~ *pupils* in this state to the achievement and proficiency of pupils in the national reference group who are ~~[of the same age, ability, gender and ethnic background.]~~ *tested at the same educational level and share the same general demographic characteristics.*

FIRST
PARALLEL
SECTION

Sec. 8. 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 and the governing body of each charter school, respectively, shall administer the examinations required by NRS 389.015 *and 389.550* in each public school in that district and each charter school which has the appropriate grades at the following times:

(a) *For grades 3 and 5, criterion-referenced examinations in reading and mathematics must be administered within the period beginning 2 weeks before and ending 2 weeks after the 165th day of instruction for the class that is tested.*

(b) For grades 4, 8 and 10, *norm-referenced* examinations in reading, language, mathematics and science must be administered in October on the ~~{date}~~ *dates* specified by the department of education.

~~{(b)}~~ (c) For grades 4 and 8, the examination in writing must be administered on the date specified by the department of education.

~~{(e)}~~ (d) For grade 11, the *high school proficiency* examination in writing must be administered in February on the date specified by the department of education.

~~{(d)}~~ (e) For grade 12 and for adults, the *high school proficiency* examination in writing must be administered in:

- (1) February;
- (2) April;
- (3) ~~{June, July or August;}~~ *The summer months;* and
- (4) October,

FLUSH on the respective dates specified by the department of education.

~~{(e) For grades 11 and}~~ (f) *For grade 12, the high school proficiency examination in writing may be administered, upon the direction of the department of education, to those pupils who have not yet passed the examination, on a date specified by the department which must be approximately 2 weeks before the date of graduation.*

(g) *For grade 10, the high school proficiency examinations in reading, mathematics and science must be administered in April on the dates specified by the department of education.*

(h) *For grade 11, the high school proficiency examinations in reading, mathematics and science must be administered in:*

- (1) *April;*

(2) *The summer months; and*

(3) *October,*

FLUSH

on the respective dates specified by the department of education.

(i) *For grade 12 and for adults, the high school proficiency examinations in reading and mathematics must be administered in:*

(1) February;

(2) April;

(3) ~~[June, July or August;]~~ *The summer months;* and

(4) October,

FLUSH

on the respective dates specified by the department of education.

(j) *For grade 12, the high school proficiency examinations in reading and mathematics may be administered, upon the direction of the department of education, to those pupils who have not yet passed one or more of those examinations, on the dates specified by the department, which must be approximately 2 weeks before the date of graduation.*

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 or the governing body of a charter school with a 12-month school program 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 standards, curricula and assessments team of the department of education to establish another date for the administration of that examination. Not later than June 1 of that year, the standards, curricula and assessments team shall provide the board of trustees or the governing body of a charter school 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 were 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 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.

~~{5. In May of each year, the board of trustees of each school district and the governing body of each charter school, respectively, shall administer criterion-referenced examinations in reading, mathematics, science and social studies for grades 3 and 5 in each public school in that district and each charter school that has those grades. The examinations must be administered on the dates specified by the department of education.}~~

SECOND
PARALLEL
SECTION

Sec. 9. 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 and the governing body of each charter school, respectively, shall administer the examinations required by NRS 389.015 and 389.550 in each public school in that district and each charter school which has the appropriate grades at the following times:

(a) For grades 3 and 5, criterion-referenced examinations in reading and mathematics must be administered within the period beginning 2 weeks before and ending 2 weeks after the 165th day of instruction for the class that is tested.

(b) For grades 4, 8 and 10, norm-referenced examinations in reading, language, mathematics and science must be administered in October on the dates specified by the department of education.

(c) For grades 4 and 8, the examination in writing must be administered on the date specified by the department of education.

(d) For grade 11, the high school proficiency examination in writing must be administered in February on the date specified by the department of education.

(e) For grade 12 and for adults, the high school proficiency examination in writing must be administered in:

- (1) February;
- (2) April;
- (3) The summer months; and
- (4) October,

FLUSH on the respective dates specified by the department of education.

(f) For grade 12, the high school proficiency examination in writing may be administered, upon the direction of the department of education, to those pupils who have not yet passed the examination, on a date specified by the department which must be approximately 2 weeks before the date of graduation.

(g) For grade 10, the high school proficiency examinations in reading, mathematics and science must be administered in April on the dates specified by the department of education.

(h) For grade 11, the high school proficiency examinations in reading, mathematics and science must be administered in:

- (1) April;
- (2) The summer months; and
- (3) ~~October,~~ *November,*

FLUSH on the respective dates specified by the department of education.

(i) For grade 12 and for adults, the high school proficiency examinations in reading, ~~and~~ mathematics *and science* must be administered in:

- (1) February;
- (2) April;
- (3) The summer months; and
- (4) ~~October,~~ *November,*

FLUSH on the respective dates specified by the department of education.

(j) For grade 12, the high school proficiency examinations in reading, ~~and~~ mathematics *and science* may be administered, upon the direction of the department of education, to those pupils who have not yet passed one or more of those examinations, on the dates specified by the department, which must be approximately 2 weeks before the date of graduation.

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 or the governing body of a charter school with a 12-month school program 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 standards, curricula and assessments team of the department of education to establish another date for the administration of that examination. Not later than June 1 of that

year, the standards, curricula and assessments team shall provide the board of trustees or the governing body of a charter school 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 were 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 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.

FIRST
PARALLEL
SECTION

Sec. 10. NAC 389.0515 is hereby amended to read as follows:

389.0515 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 ~~and~~, *as* adopted by the state board of education pursuant to NRS 389.520;

(b) If the examination is administered pursuant to NRS 389.015 ~~in~~ *in a grade other than grade 12*, measure the achievement and proficiency of pupils in the subjects set forth in

subsection 1 of NRS 389.015 ~~(c)~~ *and 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;*

(c) *If the examination is administered pursuant to NRS 389.015 in grade 12, measure the achievement and proficiency of pupils in the subjects set forth in subsection 1 of NRS 389.015;*

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

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

~~(e)~~ (f) 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)~~ (g) 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 of education shall provide a program of professional development for teachers relating to the interpretation of the results of such an examination.

Sec. 11. NAC 389.0515 is hereby amended to read as follows:

SECOND
PARALLEL
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389.0515 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 administered pursuant to NRS 389.015 in ~~fa grade other than grade 12,~~ **any grade**, measure the achievement and proficiency of pupils in the subjects set forth in subsection 1 of NRS 389.015 and 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;

~~(c) If the examination is administered pursuant to NRS 389.015 in grade 12, measure the achievement and proficiency of pupils in the subjects set forth in subsection 1 of NRS 389.015;~~

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

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

~~(f)~~ **(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

~~(g)~~ **(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 of education shall provide a program of professional development for teachers relating to the interpretation of the results of such an examination.

Sec. 12. NAC 389.054 is hereby amended to read as follows:

389.054 1. The board of trustees of each school district and the governing body of each charter school shall ensure that the employees of the school district or charter school, respectively, who have access to the materials necessary to administer the examinations required by NRS 389.015 *and 389.550* are familiar with:

- (a) The provisions of this section, ~~and~~ subsection 7 of NRS 389.015 ~~;~~ *and NRS 389.600 to 389.648, inclusive;* 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 or distribute copies of the questions contained in the examinations required by NRS 389.015 *and 389.550* 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 *and 389.550* are distributed to the schools in which the examinations will be administered, the board of trustees or the governing body 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 7 of NRS 389.015 have access to them.

4. The ~~[questions contained in the examinations]~~ *secure examination materials that are used to administer the examinations* required by NRS 389.015 *and 389.550* 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 and charter school, respectively, shall submit to the department of education a statement that the principal will ensure that the school complies with the provisions of this section, *the provisions of NRS 389.600 to 389.648, inclusive*, 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 *and 389.550* must be administered:

(a) In a facility that is approved by the board of trustees of the school district or the governing body of the charter school; and

(b) By employees of the school district or charter school who are designated to administer the examinations by the board of trustees of the school district or the governing body of the charter school, respectively.

Sec. 13. 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, the reading, mathematics, language and science *norm-referenced* examinations must be administered pursuant to the instructions in *the current edition of* “Comprehensive Test of Basic Skills, TerraNova, Test Directions for Teachers: Level 14/22,” copyright 1996 by CTB/McGraw-Hill. If a pupil with a disability in grade 4, 8 or 10 is required to take the examination, ~~he~~ *the pupil* must be included in the regular administration of the examination if ~~he~~ *the pupil* can be adequately tested under acceptable accommodations as set forth in the *current edition of the* “Nevada Proficiency Examination Program, TerraNova Grades 4, 8, and 10 Test Coordinator’s Manual,” copyright 1997 by CTB/McGraw-Hill.
2. For ~~[grade 4,]~~ *grades 4 and 8*, the examination in writing must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada Fourth & Eighth Grade Proficiency ~~[Examination]~~ *Examinations* in Writing,” adopted by the department of education.
3. For ~~[grade 8, the examination in writing]~~ *grades 3 and 5, the criterion-referenced examinations required by NRS 389.550* must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada ~~[Eighth Grade Proficiency Examination in Writing,]~~ *Criterion-Referenced Tests at Grades Three and Five,*” adopted by the department of education.
4. For grades ~~[4]~~ *10* and above, the *high school proficiency* examinations must be administered pursuant to the instructions in the current edition of “Administration Manual: Nevada High School Proficiency ~~[Examination]~~ *Examinations in* Mathematics, *Science*, Reading and Writing,” adopted by the department of education.

Sec. 14. NAC 389.0565 is hereby amended to read as follows:

389.0565 1. Except as otherwise provided in this section, calculators may not be used by pupils taking an examination in mathematics described in subsection 1, 2 ~~[or]~~, 3 *or* 4 of NAC 389.061 or the Nevada High School Proficiency Examination in Mathematics.

2. Each school district shall provide the pupils in a 4th grade, 8th grade or 10th 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.

3. A pupil may use a calculator while taking the Nevada High School Proficiency Examination in Mathematics if he is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his individual education plan specifies that he may use a calculator for assessment purposes.

4. A pupil may use a calculator while taking a portion of the Nevada High School Proficiency Examination in Mathematics if the department of education has specified that a calculator may be used while taking that portion of the examination.

Sec. 15. NAC 389.057 is hereby amended to read as follows:

389.057 1. A pupil who fails a proficiency examination administered during grade 11 is eligible to be reexamined *only* at ~~[any time]~~ *the times* that the examination is administered *for the grade level of the pupil* pursuant to NAC 389.051.

2. If the pupil does not pass a proficiency examination before the completion of grade 12, ~~[he]~~ *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 ~~[he]~~ *the pupil* attends

a charter school, to the charter school that ~~he~~ *the pupil* has completed appropriate remedial study.

Sec. 16. 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 *or 389.550* 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. 17. NAC 389.059 is hereby amended to read as follows:

389.059 1. Except as otherwise provided by a specific statute or regulation, the department of education shall not report the scores achieved by an individual pupil on an examination required by NRS 389.015 *or 389.550* to a person or governmental agency.

2. The department may report the aggregated scores of five or more pupils.

Sec. 18. NAC 389.061 is hereby amended to read as follows:

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

FIRST
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1. *For grades 3 and 5, the criterion-referenced examinations that must be used are the Nevada Third and Fifth Grade Examinations in Mathematics and Reading prescribed by the department of education for each testing period. Each edition of those examinations that is used commencing in the spring semester of 2001, must be based upon the standards of content and performance adopted pursuant to NRS 389.520.*

2. For grade 4:

(a) The norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 14, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

(b) The criterion-referenced examination that must be used is the Nevada Proficiency Examination in Writing for the Fourth Grade prescribed by the department of education for each testing period.

~~[2.]~~ 3. For grade 8:

(a) The norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 18, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

(b) The criterion-referenced examination that must be used is the Nevada Proficiency Examination in Writing for the Eighth Grade prescribed by the department of education for each testing period.

~~[3.]~~ 4. For grade 10, the norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 20, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

~~[4.]~~ 5. *For grade 10, the criterion-referenced examinations that must be used are:*

- (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 Science,*

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prescribed by the department of education for each testing period.

6. For ~~[grades 11 and above,]~~ *grade 11*, the criterion-referenced examinations that must be used are : ~~[the:]~~

- (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 Science; and*
- (d) The Nevada High School Proficiency Examination in Writing for the Eleventh Grade and

Above,

FLUSH

prescribed by the department of education for each testing period.

7. *For grade 12, the criterion-referenced examinations that must be used are:*

- (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,

FLUSH

prescribed by the department of education for each testing period.

SECOND
PARALLEL
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Sec. 19. NAC 389.061 is hereby amended to read as follows:

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

1. For grades 3 and 5, the criterion-referenced examinations that must be used are the Nevada Third and Fifth Grade Examinations in Mathematics and Reading prescribed by the

department of education for each testing period. Each edition of those examinations that is used commencing in the spring semester of 2001, must be based upon the standards of content and performance adopted pursuant to NRS 389.520.

2. For grade 4:

(a) The norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 14, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

(b) The criterion-referenced examination that must be used is the Nevada Proficiency Examination in Writing for the Fourth Grade prescribed by the department of education for each testing period.

3. For grade 8:

(a) The norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 18, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

(b) The criterion-referenced examination that must be used is the Nevada Proficiency Examination in Writing for the Eighth Grade prescribed by the department of education for each testing period.

4. For grade 10, the norm-referenced examinations that must be used are the “Reading Composite,” “Mathematics Composite,” “Language Composite” and “Science” portions of Level 20, Comprehensive Test of Basic Skills, TerraNova Complete Battery Plus.

5. For grade 10, the criterion-referenced examinations that must be used are:

(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 Science,
prescribed by the department of education for each testing period.

6. For ~~[grade 11,]~~ *grades 11 and above*, the criterion-referenced examinations that must be used are : ~~[the:]~~

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

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

(c) The Nevada High School Proficiency Examination in Science; and

(d) The Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above,

prescribed by the department of education for each testing period.

~~[7. For grade 12, the criterion-referenced examinations that must be used are:~~

~~—(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. 20. 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 in subsections 2 and 3, the assessment must be used as the examination of achievement and proficiency for such pupils in grades 4, 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~~ *the pupil* must also be required to complete the examinations required by NAC 389.061.

3. If a pupil in grade 8 or 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 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~~ *the pupil* must also be required to complete the examinations required by NAC 389.061.

4. ~~He~~ *Except as otherwise provided in subsection 5, if* a pupil is assessed below a level III on the oral examination administered pursuant to subsection 1, ~~he~~ *the pupil* is not required to complete the ~~examination~~ :

(a) *Examination* of reading and writing prescribed in subsection 1.

(b) *Examinations required by NAC 389.061.*

5. If a pupil in grade 3 or 5 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, the pupil must also be required to complete the criterion-referenced examinations for grade 3 or 5, as applicable, required by NAC 389.061. A pupil who does not meet the level prescribed by this subsection may be required to take the appropriate criterion-referenced examination if, in the opinion of the pupil's teacher, useful information may be acquired concerning the pupil's academic status in reading or mathematics.

Sec. 21. 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, 8 or 10, a score on the examination in reading, mathematics, language or science at or below the 25th percentile of the national norms for that examination.
2. For grade 4, a score on a trait on the examination in writing of below 3 indicates inadequate achievement for that trait only and not for all traits on the examination in writing.
3. *For grade 3 or 5, a score on the examination in reading or mathematics that is below the category of “meets standard,” as established by the state board of education.*
4. 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. 22. NAC 389.071 is hereby amended to read as follows:

389.071 1. Each edition of the Nevada High School Proficiency Examination in Writing for the Eleventh Grade and Above to be used after the fall of 1988 must require pupils to write on two topics to be chosen from the following styles of writing:

- (a) Descriptive or narrative writing;
- (b) Expository writing; or
- (c) Persuasive writing.

2. Each edition of the Nevada Proficiency Examination in Writing for the *Fourth and* Eighth Grade must require pupils to write on one topic to be chosen from the following styles of writing:

- (a) Descriptive writing;
- (b) Narrative writing;

(c) Expository writing; or

(d) Persuasive writing.

Sec. 23. NAC 389.076 is hereby amended to read as follows:

389.076 1. ~~Each~~ *For grade 12 and for adults, 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. *For grades 10 and 11, each edition of the Nevada High School Proficiency Examination in Reading to be used after September 1, 2001, must be based upon the standards of content and performance in English language arts adopted pursuant to NRS 389.520 and must assess pupils' abilities to:*

(a) Use word analysis skills and strategies to comprehend new words encountered in text;

(b) Use reading process skills and strategies to build comprehension;

(c) Comprehend, interpret and evaluate literature from a variety of authors, cultures and time periods; and

(d) Comprehend, interpret and evaluate informational text for specific purposes.

~~2.~~ 3. Pupils may be tested in the areas listed in ~~subsection 1~~ *subsections 1 and 2* 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.]~~ 4. Passages on the ~~[examination]~~ *examinations required by subsections 1 and 2* 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, including, without limitation, periodicals, manuals, handbooks and other publications.

SECOND
PARALLEL
SECTION

Sec. 24. NAC 389.076 is hereby amended to read as follows:

389.076 1. For ~~[grade 12 and for]~~ adults, 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. For grades 10 ~~[and 11,]~~ *11 and 12*, each edition of the Nevada High School Proficiency Examination in Reading ~~[to be used after September 1, 2001,]~~ must be based upon the standards of content and performance in English language arts adopted pursuant to NRS 389.520 and must assess pupils' abilities to:

- (a) Use word analysis skills and strategies to comprehend new words encountered in text;
- (b) Use reading process skills and strategies to build comprehension;
- (c) Comprehend, interpret and evaluate literature from a variety of authors, cultures and time periods; and
- (d) Comprehend, interpret and evaluate informational text for specific purposes.

3. Pupils may be tested in the areas listed in subsections 1 and 2 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.

4. Passages on the examinations required by subsections 1 and 2 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, including, without limitation, periodicals, manuals, handbooks and other publications.

THIRD
PARALLEL
SECTION

Sec. 25. NAC 389.076 is hereby amended to read as follows:

389.076 1. ~~For adults, 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.]~~ For grades 10, 11 and 12, *and for adults*, each edition of the Nevada High School Proficiency Examination in Reading must be based upon the standards of content and performance in English language arts adopted pursuant to NRS 389.520 and must assess pupils' abilities to:

- (a) Use word analysis skills and strategies to comprehend new words encountered in text;
- (b) Use reading process skills and strategies to build comprehension;
- (c) Comprehend, interpret and evaluate literature from a variety of authors, cultures and time periods; and

(d) Comprehend, interpret and evaluate informational text for specific purposes.

~~[3.]~~ **2.** Pupils may be tested in the areas listed in ~~[subsections 1 and 2]~~ *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.

~~[4.]~~ **3.** Passages on the ~~[examinations]~~ *examination* required by ~~[subsections 1 and 2]~~ *subsection 1* 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, including, without limitation, periodicals, manuals, handbooks and other publications.

FIRST
PARALLEL
SECTION

Sec. 26. NAC 389.081 is hereby amended to read as follows:

389.081 1. ~~[Each]~~ *For grade 12 and for adults, 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 *required by subsection 1* 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. *For grades 10 and 11, each edition of the Nevada High School Proficiency*

Examination in Mathematics to be used after September 1, 2001, must be based upon the standards of content and performance in mathematics adopted pursuant to NRS 389.520 and must assess pupils’ abilities to:

(a) Calculate and estimate sums, differences, products, quotients, powers and roots by the use of mental math and apply formulas and algorithms;

(b) Represent, analyze and solve problem situations using discrete structures including, without limitation, graphs and matrices;

(c) Interpret and solve single and multi-step word problems involving adding, subtracting, multiplying and dividing whole numbers, decimals, fractions and percentages;

(d) Create and use different forms of a variety of equations, proportions or formulas, or any combination thereof, to solve mathematical problems;

(e) Solve problems involving structure, language and uses of different systems of measurement;

(f) Use principles of geometry to solve mathematical problems; and

(g) Solve problems using various data analysis techniques, including, without limitation, single and multi-step probability experiments, measures of central tendency and sampling.

4. Pupils may be tested in the areas listed in subsection 3 for their:

- (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.*

5. The ~~[examination]~~ *examinations required by subsections 1 and 3* 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.

SECOND
PARALLEL
SECTION

Sec. 27. NAC 389.081 is hereby amended to read as follows:

389.081 1. For ~~[grade 12 and for]~~ adults, 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 required by subsection 1 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. For grades 10 ~~[and 11,]~~, **11 and 12**, each edition of the Nevada High School Proficiency Examination in Mathematics ~~[to be used after September 1, 2001,]~~ must be based upon the standards of content and performance in mathematics adopted pursuant to NRS 389.520 and must assess pupils’ abilities to:

- (a) Calculate and estimate sums, differences, products, quotients, powers and roots by the use of mental math and apply formulas and algorithms;
- (b) Represent, analyze and solve problem situations using discrete structures including, without limitation, graphs and matrices;
- (c) Interpret and solve single and multi-step word problems involving adding, subtracting, multiplying and dividing whole numbers, decimals, fractions and percentages;
- (d) Create and use different forms of a variety of equations, proportions or formulas, or any combination thereof, to solve mathematical problems;
- (e) Solve problems involving structure, language and uses of different systems of measurement;
- (f) Use principles of geometry to solve mathematical problems; and
- (g) Solve problems using various data analysis techniques, including, without limitation, single and multi-step probability experiments, measures of central tendency and sampling.

4. Pupils may be tested in the areas listed in subsection 3 for their:

- (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.

5. The examinations required by subsections 1 and 3 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.

THIRD
PARALLEL
SECTION

Sec. 28. NAC 389.081 is hereby amended to read as follows:

389.081 1. ~~For adults, 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 required by subsection 1 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.]~~ For grades 10, 11 and 12, *and for adults*, each edition of the Nevada High School Proficiency Examination in Mathematics must be based upon the standards of content and performance in mathematics adopted pursuant to NRS 389.520 and must assess pupils’ abilities to:

(a) Calculate and estimate sums, differences, products, quotients, powers and roots by the use of mental math and apply formulas and algorithms;

(b) Represent, analyze and solve problem situations using discrete structures including, without limitation, graphs and matrices;

(c) Interpret and solve single and multi-step word problems involving adding, subtracting, multiplying and dividing whole numbers, decimals, fractions and percentages;

(d) Create and use different forms of a variety of equations, proportions or formulas, or any combination thereof, to solve mathematical problems;

(e) Solve problems involving structure, language and uses of different systems of measurement;

(f) Use principles of geometry to solve mathematical problems; and

(g) Solve problems using various data analysis techniques, including, without limitation, single and multi-step probability experiments, measures of central tendency and sampling.

~~[4.]~~ **2.** Pupils may be tested in the areas listed in subsection ~~[3]~~ **1** for their:

- (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.

~~[5.—The examinations]~~

3. *The examination* required by ~~[subsections 1 and 3]~~ **subsection 1** 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.

Sec. 29. NAC 389.083 is hereby amended to read as follows:

389.083 1. A school district shall keep the results of all examinations administered pursuant to NRS 389.015 to pupils in grades 4 and 8 for 4 years after the date of the administration of the examination.

2. *A school district shall keep the results of all examinations administered pursuant to NRS 389.550 to pupils in grades 3 and 5 for 2 years after the date of the administration of the examination.*

3. The department of education 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 examination.

Sec. 30. NAC 389.655 is hereby amended to read as follows:

389.655 1. A pupil must not be given a standard diploma until ~~he~~ *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.

FLUSH *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 and data concerning the examination and must not be used as a condition for receipt of a high school diploma.*

2. After entering grade ~~11,~~ *10*, if a pupil passes one of the high school proficiency examinations, ~~he~~ *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.*

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.

~~6.~~ 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.*

Sec. 31. NAC 389.049 is hereby repealed.

Sec. 32. 1. This section and sections 1 to 8, inclusive, 10, 12 to 18, inclusive, 20 to 23, inclusive, 26 and 29 to 31, inclusive, of this regulation become effective upon filing with the secretary of state.

2. Sections 9, 11, 19, 24 and 27 of this regulation become effective on July 1, 2002.

3. Sections 25 and 28 of this regulation become effective on July 1, 2003.

TEXT OF REPEALED SECTION

389.049 Definitions. (NRS 385.080, 385.391, 389.015)

As used in NAC 389.049 to 389.083, inclusive, 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.