Document Of Appendices

2004−2005

For use with

Guidelines for the Nevada Proficiency Examination Program: 2004-2005

and

Test Security Procedures for Nevada Proficiency Programs: 2004-2005

Nevada Department of Education

Dr. Keith W. Rheault
Superintendent of Public Instruction

Office of Assessment, Program Accountability, and Curriculum
(775) 687-9186 (775) 687-9213

Nevada Department of Education

700 East Fifth Street
Carson City, NV 89701
775-687-9200
Website: http://www.doe.nv.gov

Superintendent Of Public Instruction	**Dr. Keith W. Rheault**
Deputy Superintendent Of Instructional, Research and Evaluative Services	**Gloria Dopf**
Deputy Superintendent Of Administrative and Fiscal Services	**Douglas C. Thunder**

Nevada State Board of Education

Gary Waters, President **District 2, Las Vegas**	**Vacant** **District 4, Henderson**
Dr. John W. Gwaltney, Vice President **District 8, Reno**	**Dorothy Nolan** **District 5, Las Vegas**
Barbara J. Myers, Clerk **District 9, Carson City**	**Patrick J. Boylan** **District 6, Las Vegas**
Theresa Malone **District 1, Las Vegas**	**Dr. Merv Iverson** **District 7, Las Vegas**
Marcia L. Washington **District 3, Las Vegas**	**Dr. Cliff Ferry** **District 10, Elko**

TABLE OF CONTENTS

APPENDIX A …….TERMS AND DEFINITIONS USED IN THE NPEP

APPENDIX B …….CODING TERMS AND DEFINITIONS

APPENDIX C ……..SELECTED SECTIONS FROM NRS 389

APPENDIX D …….SELECTED SECTIONS FROM NAC 389

APPENDIX E …….PRINCIPAL ASSURANCE FORM

APPENDIX F …….IEP ACCOMMODATIONS FORM

APPENDIX G ……..SECTION 504 ACCOMMODATIONS FORM

APPENDIX H ……...LEP ACCOMMODATIONS FORM

APPENDIX I ……CONFIDENTIALITY FORM

APPENDIX J …….SHIPPING INSTRUCTIONS FOR WRITING TESTS

APPENDIX K….... .PRINCIPAL ASSURANCE FORM FOR PRIVATE, EXEMPT, AND NON-DISTRICTS SCHOOLS

APPENDIX L ……REGISTRATION FORM FOR HOME-SCHOOLED STUDENTS

APPENDIX M ……WHISTLEBLOWER PROTECTION

APPENDIX N ……....GROUNDS FOR EMPLOYMENT AND LICENSE PENALTIES

APPENDIX O ……...REPORT OF TEST IRREGULARITY

APPENDIX P.……DISTRICT AND SCHOOL CODES

APPENDIX A – TERMS AND DEFINITIONS USED IN THE NPEP

Terms and Definitions for Use in the Nevada Proficiency Examination Program

The following terms and definitions will be used in discussions of the Nevada Proficiency Examination Program:

- **"Irregularity in testing administration"** means the failure to administer an examination in the manner intended by the person or entity that created the examination.
- **"Irregularity in testing security"** means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:

- The failure to comply with the department or district security procedures.
- The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law.
- Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

- **"School official"** means:
  - A member of a board of trustees of a school district;
  - A member of a governing body of a charter school; or
  - A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.
- **"District Test Director"** is appointed by the school district superintendent and refers to the individual who represents an individual school district on all matters of testing, including, but not limited to:
  - Serving as a liaison between the local school district and the Nevada Department of Education;
  - Assisting the local board of trustees in the development of a district test security plan;
  - Organizing the district testing calendar;
  - Ensuring that school principals and test coordinators are adequately trained and informed of all relevant test administration guidelines and procedures; and
  - Dissemination and collection of testing materials.
- **"School Test Coordinator"**[1] is appointed by the school principal and refers to the individual who represents an individual school on all matters of testing that may include, but are not limited to:
  - Assisting the school principal by serving as a liaison between the school and the district test director;
  - Assisting the school principal in the development of school test administration procedures;
  - Assisting the school principal in providing annual training for school officials involved in test administration;

[1] It is important to note that the Test Coordinator's responsibilities do not, in any way, minimize the fact that the school principal assumes final responsibility for the proper training and administration of all state-mandated testing.

- Assisting the school principal in organizing the test schedule;
- Assisting the school principal in the dissemination and collection of test materials; and
- Assisting the school principal in assigning school officials to administer or proctor the assessments.

- **"Classroom Test Administrator"** is assigned by the school principal or test coordinator and refers to a school official whose responsibilities may include, but are not limited to:
  - Administering the assessment to an assigned group of students in accordance with all test security and test administration procedures;
  - Assuming primary responsibility for the verification of the identity and eligibility of each student participating in the assessment (in accordance with procedures outlined in the district test security plan);
  - Assuming primary responsibility for the dissemination and collection of each student's test materials;
  - Assuming primary responsibility for the supervision of students during their participation in the assessment;
  - Ensuring that students are taking the assessment in accordance with test security and test administration procedures;
  - Following up on unusual behavior or activity on the part of the students; and
  - Assuming primary responsibility for ensuring that applicable time limits are being adhered to.
- **"Classroom Proctor"** is assigned by the school principal or test coordinator and refers to a school official whose responsibilities may include, but are not limited to:
  - Assisting the test administrator in supervising students during their participation in the assessment;
  - Ensuring that students are taking the assessment in the manner in which they were instructed by the test administrator;
  - Immediately notifying the test administrator of any unusual behavior or activity on the part of students;
  - Assisting the test administrator in the dissemination and/or collection of test materials; and
  - Assisting the test administrator in ensuring that applicable time limits are being adhered to.

APPENDIX B – CODING TERMS AND DEFINITIONS USED ON ANSWER DOCUMENTS IN NPEP ASSESSMENTS

Coding Terms and Definitions
Used on Answer Documents in NPEP Assessments

This appendix provides definitions to assist school and district personnel in coding answer documents correctly. Each administration manual for the individual tests in the NPEP has specific instructions for completing each section on the answer documents. To minimize confusion, all answer documents for the HSPE, Iowa Tests, writing assessments, and CRTs have been standardized so that information is collected in the same way on each answer document.

RACE/ETHNICITY:

This section should be completed by school personnel rather than by the students using information from the District's Student Information System. The instructions require that only ONE group be selected. If the student completes this section and could be considered a member of two or more groups, the student should be instructed to choose the group with which s/he most closely identifies.

Code	Race/Ethnicity
I	American Indian/Alaskan Native
A	Asian/Pacific Islander
H	Hispanic
B	Black, not of Hispanic origin
C	White, not of Hispanic origin

TESTING CONDITIONS

This section applies only to a student with an IEP, a student with a Section 504 Plan, or a student identified as Limited English Proficient (LEP) and only if the student used accommodations on the test. See pages 16-21 of *Guidelines for the Nevada Proficiency Examination Program 2004-2005* and Appendix F (IEP), Appendix G (504), and Appendix H (LEP) in this document for further information on the use of accommodations.

Code	Testing Condition
R	Regular conditions (no accommodations)
A	Accommodations (formerly called "Permissible Accommodations"
M	Modifications (IEP students only) (formerly called "Non-Permissible Accommodations:

INVALIDATION

This section will be filled out only if a student's test must be invalidated. If this code is marked, the student's participation will not count for AYP purposes nor will the student be considered proficient. This procedure replaces the previous practice of marking all the bubbles in the first five or six rows in the answer section of the test involved (*HSPE*, *CRT*, or *ITBS/ITED*).

Code	
I	Student's test has been invalidated.

PROGRAMS

Program	Description
IEP	A student who is identified as having a disability and is provided placement and services consistent with the Individual with Disabilities Education Act (IDEA). **This section includes a student with an IEP for speech or language.** Students identified only as Gifted and/or Talented are not included here.
Former IEP	A student was identified in the past as having a disability and was provided placement and services consistent with the IDEA. The student was determined no longer eligible for special education services and an IEP is NOT currently in effect.
504	A student identified in accordance with section 504 of the Rehabilitation Act of 1973 and who has a Section 504 plan.
LEP	A student who speaks a language other than English or has another language other than English spoken in the home **and** participates in an English language instructional program. Monitored LEP students should be coded as LEP.
Former LEP	A student who speaks a language other than English or has another language other than English spoken in the home and has **previously** participated in an English language instructional program. The student has exited from the program by achieving an exit score on the current assessment of English language proficiency and the "approaching proficiency" designation on any one state-mandated assessment.
Immigrant	An individual (age 3-21) enrolled in a school who was not born in the United States and who has not been attending schools in the United States for more than three (3) full academic years. (In Nevada, an academic year is from count day to testing day.)
F/RL	A student who qualifies for the Free or Reduced Lunch Program. A student, particularly a secondary student, who is identified by the school or school district as being economically disadvantaged by any other means will also be coded here.
MG	A migrant student who has an approved Certificate of Eligibility on file with the Nevada Department of Education.
Title 1 Target	A student who has been identified for services in a school receiving **Title I Targeted Assistance** funding. Note: In Nevada, most Title I students are enrolled in school-wide programs and are **not** included in this category.
G/T	A student who has been identified as Gifted and/or Talented according to district definition. This code is for district/school use only.

DID NOT PARTICIPATE (DNP)

Code	Reason for Non-participation
A	Absent: Student enrolled, but absent during test administration
O	Other: Student enrolled, but did not participate for some other reason
C	Cancel: The S, A, or O bubble was filled in by mistake

YEARS IN SCHOOL

Code	Years in School
0	Student who enrolled in the school after count day, or student who initially enrolled before count day but who has not been continuously enrolled from and including count day.
1	Student continuously enrolled in the school from and including count day or before

YEARS IN DISTRICT

Code	Years in District
0	Student who enrolled in the district after count day, or student who initially enrolled before count day but who has not been continuously enrolled since count day.
1	Student continuously enrolled in the district from and including count day or before

SPECIAL CONSIDERATIONS

This section will be coded only for those students described by one of these categories.

Code	Category
S	**SCAAN:** Student participated in the state's alternate assessment (SCAAN).
B	**Braille:** Student used a Braille form of the assessment.
N	**New in Country:** An immigrant student identified as LEP who has been in the United States fewer than 12 consecutive calendar months.

1st HSPE WRITING TEST

Code	Explanation
Yes	Student has never before taken an *HSPE in Writing* test.
No	Student has taken an *HSPE in Writing* test during any previous administration of the *HSPE in Writing*.

1st HSPE READING AND MATHEMATICS TEST

Code	Explanation
Yes	Student has never before taken the *HSPE in Reading* or the *HSPE in Mathematics* of the *Nevada High School Proficiency Examination*.
No	In any previous HSPE test administration, student has taken either the *HSPE in Mathematics* or the *HSPE in Reading* of the *Nevada High School Proficiency Examination.*

APPENDIX C – SELECTED SECTIONS FROM NRS 389

NEVADA REVISED STATUTES

CHAPTER 389

EXAMINATIONS, COURSES, STANDARDS, AND DIPLOMAS

ADMINISTRATION OF EXAMINATIONS TO PUPILS WHO ARE LIMITED ENGLISH PROFICIENT AND PUPILS WITH DISABILITIES

CHAPTER 389

EXAMINATIONS, COURSES, STANDARDS AND DIPLOMAS
ADMINISTRATION OF EXAMINATIONS TO PUPILS WHO ARE LIMITED ENGLISH PROFICIENT AND PUPILS WITH DISABILITIES

NRS 389.011 Administration to pupils who are limited English proficient; State Board required to prescribe modifications and accommodations; administration in language other than English required under certain circumstances; assessment of proficiency in English language.

1. The board of trustees of each school district and the governing body of each charter school shall ensure that each pupil who is limited English proficient and is enrolled in the school district or charter school, as applicable, participates in the achievement and proficiency examinations administered pursuant to this chapter. The State Board shall prescribe reasonable modifications and accommodations that must be used in the administration of an examination to a pupil who is limited English proficient and who is unable to take an examination under regular testing conditions. The results of each pupil who is limited English proficient and who takes an examination with modifications and accommodations must be reported and included within the determination of whether the school and the school district have made adequate yearly progress.

2. The board of trustees of a school district and the governing body of a charter school shall administer to a pupil who is limited English proficient:

(a) To the extent practicable, examinations in mathematics and science required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows.

(b) To the extent practicable, examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the pupil has attended public schools in the United States for less than 3 consecutive years.

(c) If the pupil has attended public schools in the United States for 3 consecutive years but less than 5 consecutive years:

(1) Examinations in reading required by subsection 1 in the English language; or

(2) Examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the board of trustees or the governing body, as applicable, determines that the pupil has not reached a level of English proficiency sufficient to yield valid and reliable information on what the pupil knows. The board of trustees or the governing body of a charter school, as applicable, may grant exceptions for a particular pupil pursuant to this subparagraph, on a case-by-case basis, for a period not longer than 2 consecutive years.

(d) If the pupil has attended public schools in the United States for 5 consecutive years or more, examinations in reading required by subsection 1 in the English language.

3. The State Board shall prescribe an assessment of proficiency in the English language for pupils who are limited English proficient to measure oral language skills, comprehension skills, reading skills and writing skills. The board of trustees of each school district and the governing body of each charter school shall administer the assessment annually at the time prescribed by the State Board. A pupil who takes the assessment prescribed pursuant to this subsection is not exempt from the achievement and proficiency examinations administered pursuant to this chapter.

(Added to NRS by 2003, 19th Special Session, 53)

NRS 389.0115 Administration to pupils with disabilities; modifications and accommodations required for certain pupils; State Board required to prescribe alternate examination.

1. If a pupil with a disability is unable to take an examination administered pursuant to NRS 389.015 or 389.550 under regular testing conditions, the pupil may take the examination with modifications and accommodations that the pupil's individualized education program team determines, in consultation with the Department and in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., are necessary to measure the progress of the pupil. If modifications or accommodations are made in the administration of an examination for a pupil with a disability, the modifications or accommodations must be set forth in the pupil's individualized education program. The results of each pupil with a disability who takes an examination with modifications or accommodations must be reported and must be included in the determination of whether the school and the school district have made adequate yearly progress.

2. The State Board shall prescribe an alternate examination for administration to a pupil with a disability if the pupil's individualized education program team determines, in consultation with the Department, that the pupil cannot participate in all or a portion of an examination administered pursuant to NRS 389.015 or 389.550 even with modifications and accommodations.

3. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., the modifications and accommodations that must be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions.

4. As used in this section:

(a) "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

(b) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(Added to NRS by 2003, 19th Special Session, 54)

NATIONAL EXAMINATIONS; NORM-REFERENCED EXAMINATIONS; HIGH SCHOOL PROFICIENCY EXAMINATION

NRS 389.012 Examinations of National Assessment of Educational Progress: Regulations requiring schools to participate; report of results. The State Board shall:

1. In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this state that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

2. Report the results of those examinations to the:

(a) Governor;

(b) Board of trustees of each school district of this state;

(c) Legislative Committee on Education created pursuant to NRS 218.5352; and

(d) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218.5356.

3. The report required pursuant to subsection 2 must include an analysis and comparison of the results of pupils in this state on the examinations required by this section with:

(a) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(b) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

(Added to NRS by 1997, 1772; A 2003, 19th Special Session, 55)

NRS 389.015 Administration and scoring of examinations; transmission of results; effect of failure to demonstrate adequate achievement or to pass; confidentiality of examinations. [Effective through June 30, 2004.]

1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Except as otherwise provided in subsection 6, science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading and mathematics and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this state to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(Added to NRS by 1977, 474; A 1983, 769; 1987, 616; 1993, 456; 1995, 8, 1742, 1743, 1744; 1997, 1773, 1868, 2768; 1999, 476, 481, 1430, 2666, 2670; 2001, 194, 1206, 1487; 2001 Special Session, 173; 2003, 282, 286; 2003, 19th Special Session, 55)

NRS 389.015 Administration and scoring of examinations; transmission of results; effect of failure to demonstrate adequate achievement or to pass; confidentiality of examinations. [Effective July 1, 2004, through June 30, 2007.]

1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Except as otherwise provided in subsection 6, science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading and mathematics and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this state to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(Added to NRS by 1977, 474; A 1983, 769; 1987, 616; 1993, 456; 1995, 8, 1742, 1743, 1744; 1997, 1773, 1868, 2768; 1999, 476, 481, 1430, 2666, 2670; 2001, 194, 1206, 1487; 2001 Special Session, 173; 2003, 282, 286; 2003, 19th Special Session, 55, 58, effective July 1, 2004, through June 30, 2007)

NRS 389.015 Administration and scoring of examinations; transmission of results; effect of failure to demonstrate adequate achievement or to pass; confidentiality of examinations. [Effective July 1, 2007.]

1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this state to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(Added to NRS by 1977, 474; A 1983, 769; 1987, 616; 1993, 456; 1995, 8, 1742, 1743, 1744; 1997, 1773, 1868, 2768; 1999, 476, 481, 1430, 2666, 2670; 2001, 194, 1206, 1487; 2001 Special Session, 173; 2003, 282, 286; 2003, 19th Special Session, 55, 58, 60, effective July 1, 2007)

NRS 389.017 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

1. The State Board shall adopt regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the Superintendent of Public Instruction and the Department, in the form and manner prescribed by the Superintendent, the results of achievement and proficiency examinations administered pursuant to NRS 389.015 to public school pupils of the district and charter schools. The State Board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

2. The results of examinations must be reported for each school, including, without limitation, each charter school, school district and this state, as follows:

(a) The average score, as defined by the Department, of pupils who took the examinations under regular testing conditions; and

(b) The average score, as defined by the Department, of pupils who took the examinations with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. Not later than 10 days after the Department receives the results of the achievement and proficiency examinations, the Department shall transmit a copy of the results of the examinations administered pursuant to NRS 389.015 to the Legislative Bureau of Educational Accountability and Program Evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

4. On or before July 1 of each year, each school district and each charter school shall report to the Department the following information for each examination administered in the public schools in the school district or charter school:

(a) The examination administered;

(b) The grade level or levels of pupils to whom the examination was administered;

(c) The costs incurred by the school district or charter school in administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before September 1 of each year, the Department shall transmit to the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau the information submitted to the Department pursuant to this subsection.

5. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations.

6. In addition to the information required by subsection 4, the Superintendent of Public Instruction shall:

(a) Report the number of pupils who were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were absent from school on the day that the examinations were administered.

(Added to NRS by 1979, 312; A 1987, 616; 1993, 457; 1997, 1774, 1869, 2770; 1999, 476, 481, 1432, 2668; 2001, 1489, 3158; 2003, 1141; 2003, 19th Special Session, 62)

NRS 389.0173 High school proficiency examination: Development of informational pamphlet concerning examination by Department; duties of school districts and charter schools to post pamphlet and distribute to pupils and parents.

1. The Department shall develop an informational pamphlet concerning the high school proficiency examination for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the examination, including, without limitation, an explanation that if the pupil fails the examination he is not eligible to receive a standard high school diploma;

(b) Subject areas tested on the examination;

(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;

(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;

(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;

(f) Maximum number of times that a pupil is allowed to take the examination if he fails to pass the examination after the first administration;

(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and

(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the examination.

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before January 15, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

(Added to NRS by 2001, 1089; A 2003, 889)

NRS 389.0175 High school proficiency examination: Establishment of statewide program for preparation of pupils to take examination; compliance with program required of school districts and certain schools; use of additional materials and information.

1. The Department shall establish a statewide program for use by schools and school districts in their preparation of pupils for the high school proficiency examination. The program must:

(a) Be designed to ensure that pupils understand the format for the examination;

(b) Be designed to ensure that the actual examination is not included within the materials and other information used for preparation; and

(c) Specify the type of sample questions and practice items that may be included with the materials and other information used for preparation.

2. Each school district, each middle school, junior high and high school within a school district and each charter school that provides instruction to pupils enrolled in a middle school, junior high or high school grade level shall comply with the statewide program established pursuant to subsection 1. This

subsection does not preclude a school or a school district from providing additional materials and information for preparation if the materials and information comply with the statewide program.

(Added to NRS by 2001, 1090)

ACADEMIC STANDARDS; CRITERION-REFERENCED EXAMINATIONS

NRS 389.500 "Council" defined. As used in NRS 389.500 to 389.570, inclusive, "Council" means the Council to Establish Academic Standards for Public Schools.

(Added to NRS by 1999, 3384)

NRS 389.510 Council to Establish Academic Standards: Creation; membership; terms; compensation.

1. The Council to Establish Academic Standards for Public Schools, consisting of eight members, is hereby created. The membership of the Council consists of:

(a) Four members appointed by the Governor in accordance with subsection 2;

(b) Two members appointed by the Majority Leader of the Senate in accordance with subsection 3; and

(c) Two members appointed by the Speaker of the Assembly in accordance with subsection 3.

2. The Governor shall ensure that:

(a) Two of the members whom he appoints to the Council are parents or legal guardians of pupils who attend public schools. These members must not otherwise be affiliated with the public school system of this state.

(b) Two of the members whom he appoints to the Council are licensed educational personnel.

(c) Insofar as practicable, the members whom he appoints to the Council reflect the ethnic and geographical diversity of this state.

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each ensure that:

(a) One of the members whom he appoints to the Council is a member of the House of the Legislature to which he belongs.

(b) The other member whom he appoints to the Council is a representative of a private business or industry that may be affected by actions taken by the Council.

4. Each member of the Council must be a resident of this state.

5. After the initial terms, the term of each member of the Council is 4 years. The person who appoints a member to the Council may remove that member if the member neglects his duty or commits malfeasance in office, or for other just cause. A vacancy in the membership of the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the Council until his successor is appointed.

6. The Governor shall select a Chairman from among the membership of the Council in accordance with this subsection. The Governor shall not select as Chairman a member of the Council who is affiliated with the public school system in this state, except that this subsection does not preclude the Governor from selecting a parent or legal guardian of a pupil as Chairman if the parent or legal guardian is not otherwise affiliated with the public school system in this state. Once selected by the Governor, the Chairman holds that office for 2 years.

7. For each day or portion of a day during which a member of the Council who is a Legislator attends a meeting of the Council or is otherwise engaged in the work of the Council, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the Council must be paid from the Legislative Fund.

8. Members of the Council who are not Legislators serve without salary, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 1999, 3384; A 2003, 815)

NRS 389.520 Council to Establish Academic Standards: Establishment of standards; periodic review of standards; adoption of standards by State Board.

1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 2, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics and government;

(5) The arts;

(6) Computer education and technology;

(7) Health; and

(8) Physical education.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 389.570 of the results of pupils on the examinations administered pursuant to NRS 389.550.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

3. The State Board shall adopt the standards of content and performance established by the Council.

4. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 389.550.

(Added to NRS by 1999, 3385)

NRS 389.550 Administration of criterion-referenced examinations. [Effective through June 30, 2005.]

1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 5 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 4 and 8 and for the high school proficiency examination.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(Added to NRS by 1999, 3386; A 2001, 1208; 2003, 19th Special Session, 63)

NRS 389.550 Administration of criterion-referenced examinations. [Effective July 1, 2005.]

1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades 4 and 8 and for the high school proficiency examination.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(Added to NRS by 1999, 3386; A 2001, 1208; 2003, 19th Special Session, 63, 64, effective July 1, 2005)

NRS 389.560 Reporting of results of examinations; reconciliation of number of pupils taking examinations.

1. The State Board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school to submit to the Superintendent of Public Instruction, the Department and the Council, in the form and manner prescribed by the Superintendent, the results of the examinations administered pursuant to NRS 389.550. The State Board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.

2. The results of the examinations must be reported for each school, including, without limitation, each charter school, school district and this state, as follows:

(a) The percentage of pupils who have demonstrated proficiency, as defined by the Department, and took the examinations under regular testing conditions; and

(b) The percentage of pupils who have demonstrated proficiency, as defined by the Department, and took the examinations with modifications or accommodations, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. Not later than 10 days after the Department receives the results of the examinations, the Department shall transmit a copy of the results to the Legislative Bureau of Educational Accountability and Program Evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

4. On or before July 1 of each year, each school district and each charter school shall report to the Department the following information for each examination administered in the public schools in the school district or charter school:

(a) The examination administered;

(b) The grade level or levels of pupils to whom the examination was administered;

(c) The costs incurred by the school district or charter school in administering each examination; and

(d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before September 1 of each year, the Department shall transmit to the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau the information submitted to the Department pursuant to this subsection.

5. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations.

6. In addition to the information required by subsection 4, the Superintendent of Public Instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

(Added to NRS by 1999, 3386; A 2001, 242, 1491, 3160; 2003, 1144; 2003, 19th Special Session, 65)

NRS 389.570 Council required to review and evaluate results of examinations; report of evaluation.

1. The Council shall review the results of pupils on the examinations administered pursuant to NRS 389.550, including, without limitation, for each school in a school district and each charter school that is located within a school district, a review of the results for the current school year and a comparison of the progress, if any, made by the pupils enrolled in the school from preceding school years.

2. After the completion of the review pursuant to subsection 1, the Council shall evaluate:

(a) Whether the standards of content and performance established by the Council require revision; and

(b) The success of pupils, as measured by the results of the examinations, in achieving the standards of performance established by the Council.

3. The Council shall report the results of the evaluation conducted pursuant to subsection 2 to the State Board and the Legislative Committee on Education.

(Added to NRS by 1999, 3388)

ADMINISTRATION AND SECURITY OF EXAMINATIONS

NRS 389.600 Definitions. As used in NRS 389.600 to 389.648, inclusive, unless the context otherwise requires, the words and terms defined in NRS 389.604, 389.608 and 389.612 have the meanings ascribed to them in those sections.

(Added to NRS by 2001, 1197)

NRS 389.604 "Irregularity in testing administration" defined. "Irregularity in testing administration" means the failure to administer an examination to pupils pursuant to NRS 389.015 or 389.550 in the manner intended by the person or entity that created the examination.

(Added to NRS by 2001, 1197)

NRS 389.608 "Irregularity in testing security" defined. "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination administered to pupils pursuant to NRS 389.015 or 389.550, including, without limitation:

1. The failure to comply with security procedures adopted pursuant to NRS 389.616 or 389.620;

2. The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and

3. Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

(Added to NRS by 2001, 1197)

NRS 389.612 "School official" defined. "School official" means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

(Added to NRS by 2001, 1197)

NRS 389.616 Adoption and enforcement of plan for test security by Department; contents of plan; annual submission of plan to State Board and Legislative Committee on Education.

1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.015 and 389.550.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218.5352.

(Added to NRS by 2001, 1197)

NRS 389.620 Adoption and enforcement of plan for test security by board of trustees; contents of plan; annual submission of plan to State Board and Legislative Committee on Education; written notice concerning plan to educational personnel, pupils and parents; definitions.

1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218.5352.

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations to all teachers and educational personnel employed by the school district or governing body, all personnel employed by the school district or governing body who are involved in the administration of the examinations, all pupils who are required to take the examinations and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "Examination" means:

(1) Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(b) "Irregularity in testing administration" means the failure to administer an examination in the manner intended by the person or entity that created the examination.

(c) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 389.616;

(2) The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

(Added to NRS by 2001, 1199)

NRS 389.624 Violation of state or district plan: Duty of Department to investigate; authority of Department to issue subpoenas; enforcement of subpoena by court.

1. If the Department:

(a) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.616 may have occurred;

(b) Has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred with respect to an examination that is administered pursuant to NRS 389.015 or 389.550; or

(c) Receives a request pursuant to subparagraph (2) of paragraph (b) of subsection 1 NRS 389.628 to investigate a potential violation of the plan adopted pursuant to NRS 389.620 with respect to an examination that is administered pursuant to NRS 389.015 or 389.550,

the Department shall investigate the matter as it deems appropriate.

2. If the Department investigates a matter pursuant to subsection 1, the Department may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the Department may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the Department pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the Department as required by the subpoena, or has refused to answer questions propounded to him,

and asking for an order of the court compelling the witness to attend, testify or produce materials before the Department.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the Department. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the Department, the court shall enter an order that the witness appear before the Department at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

(Added to NRS by 2001, 1198)

NRS 389.628 Violation of district plan: Duty of board of trustees to investigate or refer to Department; authority of board of trustees to issue subpoenas; enforcement of subpoena by court.

1. If a school official has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the school official shall immediately report the incident to the board of trustees of the school district. If the board of trustees of a school district has reason to believe that a violation of the plan adopted pursuant to NRS 389.620 may have occurred, the board of trustees shall:

(a) If the violation is with respect to an examination administered pursuant to NRS 389.015 or 389.550, immediately report the incident to the Department orally or in writing followed by a comprehensive written report within 14 school days after the incident occurred; and

(b) Cause to be commenced an investigation of the incident. The board of trustees may carry out the requirements of this paragraph by:

(1) Investigating the incident as it deems appropriate, including, without limitation, using the powers of subpoena set forth in this section.

(2) With respect to an examination that is administered pursuant to NRS 389.015 or 389.550, requesting that the Department investigate the incident pursuant to NRS 389.624.

The fact that a board of trustees elects initially to carry out its own investigation pursuant to subparagraph (1) of paragraph (b) does not affect the ability of the board of trustees to request, at any time, that the Department investigate the incident as authorized pursuant to subparagraph (2) of paragraph (b).

2. Except as otherwise provided in this subsection, if the board of trustees of a school district proceeds in accordance with subparagraph (1) of paragraph (b) of subsection 1, the board of trustees may issue a subpoena to compel the attendance or testimony of a witness or the production of any relevant materials, including, without limitation, books, papers, documents, records, photographs, recordings, reports and tangible objects. A board of trustees shall not issue a subpoena to compel the attendance or testimony of a witness or the production of materials unless the attendance, testimony or production sought to be compelled is related directly to a violation or an alleged violation of the plan adopted pursuant to NRS 389.620.

3. If a witness refuses to attend, testify or produce materials as required by the subpoena, the board of trustees may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance or testimony of the witness or the production of materials;

(b) The witness has been subpoenaed by the board of trustees pursuant to this section; and

(c) The witness has failed or refused to attend, testify or produce materials before the board of trustees as required by the subpoena, or has refused to answer questions propounded to him,

and asking for an order of the court compelling the witness to attend, testify or produce materials before the board of trustees.

4. Upon receipt of such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and then and there show cause why he has not attended, testified or produced materials before the board of trustees. A certified copy of the order must be served upon the witness.

5. If it appears to the court that the subpoena was regularly issued by the board of trustees, the court shall enter an order that the witness appear before the board of trustees at a time and place fixed in the order and testify or produce materials, and that upon failure to obey the order the witness must be dealt with as for contempt of court.

(Added to NRS by 2001, 1200)

NRS 389.632 Certain schools required to provide for additional administration of examinations if consecutive irregularities in testing administration occur; school district or charter school required to pay costs of additional administration; determination and notice by Department.

1. Except as otherwise provided in subsection 8, if the Department determines:

(a) That at least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;

(b) That in the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.

2. If the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

3. If the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

4. Except as otherwise provided in subsection 8, if the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

5. In determining whether to require a school to provide for an additional administration of examinations pursuant to this section, the Department shall consider:

(a) The effect of each irregularity in testing administration, including, without limitation, whether the irregularity required the scores of pupils to be invalidated; and

(b) Whether sufficient time remains in the school year to provide for an additional administration of examinations.

6. If the Department determines pursuant to subsection 5 that a school must provide for an additional administration of examinations, the Department may consider whether the most recent irregularity in testing administration affected the test scores of a limited number of pupils and require the school to provide an additional administration of examinations pursuant to this section only to those pupils whose test scores were affected by the most recent irregularity.

7. The Department shall provide as many notices pursuant to this section during 1 school year as are applicable to the irregularities occurring at a school. A school shall provide for additional administrations of examinations pursuant to this section within 1 school year as applicable to the irregularities occurring at the school.

8. If a school is required to provide an additional administration of examinations pursuant to NRS 385.3621 for a school year, the school is not required to provide for an additional administration pursuant to this section in that school year. The Department shall ensure that the information required pursuant to paragraph (b) of subsection 3 of NRS 389.648 is included in its report for the additional administration provided by such a school pursuant to NRS 385.3621.

(Added to NRS by 2001, 1201; A 2003, 19th Special Session, 66)

NRS 389.636 Plan for corrective action required of school or school district in response to irregularity in testing administration or security; notice by Department; establishment by Department of procedures to document corrective action; amendment of plan.

1. The Department shall notify the principal of a school, including, without limitation, a charter school, or the board of trustees of a school district, as applicable, if the school or the school district is required to file a plan for corrective action based upon the objective criteria adopted by the Department pursuant to paragraph (d) of subsection 2 of NRS 389.616. Upon receipt of such notice, the school or the school district, as applicable, shall file a plan for corrective action with the Department within the time prescribed by the Department. Such a plan must specify the time within which the corrective action will be taken. The school or the school district, as applicable, shall commence corrective action pursuant to the plan immediately after the date on which the plan is filed.

2. The Department shall establish procedures to document and monitor whether appropriate corrective action is being taken and whether that action is achieving the desired result. Such documentation must be maintained and reported in accordance with NRS 389.648.

3. The Department may require a school or a school district to amend its plan for corrective action if the Department determines that such amendment is necessary to ensure the security of test materials and the consistency of testing administration in the school or school district, as applicable.

(Added to NRS by 2001, 1203)

NRS 389.640 Establishment of statewide program for preparation of pupils to take examinations; compliance with program required of school districts and schools; use of additional materials and information.

1. The Department shall establish a statewide program for use by schools and school districts in their preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination. The program must:

(a) Be designed to ensure the consistency and uniformity of all materials and other information used in the preparation for the examinations; and

(b) Be designed to ensure that the actual examinations administered pursuant to NRS 389.015 are not included within the materials and other information used for preparation.

2. If a school, including, without limitation, a charter school, or a school district provides preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination, the school or school district shall comply with the program established pursuant to subsection

1. A school district may use and provide additional materials and information if the materials and information comply with the program established by the Department. A school, including, without limitation, a charter school, shall use only those materials and information that have been approved or provided by the Department or the school district.

(Added to NRS by 2001, 1204)

NRS 389.644 Establishment of program of education and training regarding administration and security of examinations; expanded program authorized; school districts and charter schools required to ensure educational personnel receive program of education and training.

1. The Department shall establish a program of education and training regarding the administration and security of the examinations administered pursuant to NRS 389.015 and 389.550. Upon approval of the Department, the board of trustees of a school district or the governing body of a charter school may establish an expanded program of education and training that includes additional education and training if the expanded program complies with the program established by the Department.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that:

(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is required to be tested pursuant to NRS 389.015 or 389.550, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS 389.015 or 389.550, receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

(Added to NRS by 2001, 1204)

NRS 389.648 Establishment of procedures for uniform documentation and maintenance of irregularities in testing administration and security; maintenance by Department of written summary for each irregularity; annual report by Department required.

1. The Department shall establish procedures for the uniform documentation and maintenance by the Department of irregularities in testing administration and testing security reported to the Department pursuant to NRS 389.628 and investigations of such irregularities conducted by the Department pursuant to NRS 389.624. The procedures must include, without limitation:

(a) A method for assigning a unique identification number to each incident of irregularity; and

(b) A method to ensure that the status of an irregularity is readily accessible by the Department.

2. In accordance with the procedures established pursuant to subsection 1, the Department shall prepare and maintain for each irregularity in testing administration and each irregularity in testing security, a written summary accompanying the report of the irregularity. The written summary must include, without limitation:

(a) An evaluation of whether the procedures prescribed by the Department pursuant to paragraph (c) of subsection 2 of NRS 389.616 were followed in response to the irregularity;

(b) The corrective action, if any, taken in response to the irregularity pursuant to NRS 389.636;

(c) An evaluation of whether the corrective action achieved the desired result; and

(d) The current status and the outcome, if any, of an investigation related to the irregularity.

3. The Department shall prepare a written report that includes for each school year:

(a) A summary of each irregularity in testing administration and testing security reported to the Department pursuant to NRS 389.628 and each investigation conducted pursuant to NRS 389.624.

(b) A summary for each school that was required to provide additional administration of examinations pursuant to NRS 389.632. The summary must include, without limitation:

(1) The identity of the school;

(2) The type of additional examinations that were administered pursuant to NRS 389.632;

(3) The date on which those examinations were administered;

(4) A comparison of the results of pupils on the:

(I) Examinations in which an additional irregularity occurred in the second school year described in NRS 389.632; and

(II) Additional examinations administered pursuant to NRS 389.632.

(c) Each written summary prepared by the Department pursuant to subsection 2.

(d) The current status of each irregularity that was reported for a preceding school year which had not been resolved at the time that the preceding report was filed.

(e) The current status and the outcome, if any, of an investigation conducted by the Department pursuant to NRS 389.624.

(f) An analysis of the irregularities and recommendations, if any, to improve the security of the examinations and the consistency of testing administration.

4. On or before September 1 of each year, the Department shall submit the report prepared pursuant to subsection 3 for the immediately preceding school year to the Legislative Committee on Education created pursuant to NRS 218.5352 and the State Board.

(Added to NRS by 2001, 1204)

MISCELLANEOUS PROVISIONS

NRS 389.900 Enforcement of contractual penalties or sanctions for failure to deliver results of examinations on timely basis. If the Department enters into a contract with a person or entity to score the results of an examination that is administered to pupils pursuant to NRS 389.015 or 389.550 and the contract sets forth penalties or sanctions in the event that the person or entity fails to deliver the scored results to a school district or charter school on a timely basis, the Department shall ensure that any such penalties or sanctions are fully enforced.

(Added to NRS by 2001, 1205)

APPENDIX D − SELECTED SECTIONS FROM NAC 389

NEVADA ADMINISTRATIVE CODE

CHAPTER 389
EXAMINATIONS, COURSES, AND STANDARDS

CHAPTER 389 – EXAMINATIONS, COURSES, AND STANDARDS

GENERAL PROVISIONS

NAC 389.011 Definitions. (NRS 385.080) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 389.015 to 389.043, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Education, eff. 12-16-82; A 1-26-90; R065-99, 11-3-99; R086-99, 11-3-99, eff. 1-1-2000; R037-99, 11-3-99, eff. 7-1-2000; R073-00, 6-20-2000; R013-03, 10-30-2003)

NAC 389.015 "Adjusted diploma" defined. (NRS 385.080) "Adjusted diploma" means a diploma which evidences the graduation from high school of a pupil with a disability after the pupil has met special requirements or adjusted standards.

(Added to NAC by Bd. of Education, eff. 12-16-82; A by R072-01, 11-7-2001)

NAC 389.017 "Adult standard diploma" defined. (NRS 385.080) "Adult standard diploma" means a diploma which evidences the graduation from high school of a person who has met the requirements for graduation through:

1. A program of adult education established by a school district; or
2. An alternative program for the education of pupils at risk of dropping out of high school established by a school district pursuant to NRS 388.537.

(Added to NAC by Bd. of Education, eff. 12-16-82; A by R067-97, 12-10-97)

NAC 389.019 "Certificate of attendance" defined. (NRS 385.080) "Certificate of attendance" means a certificate that evidences the satisfaction of all the requirements for graduation from high school or completion of a program of adult education except that a pupil has not passed one or more of the high school proficiency examinations. The term "certificate of attendance" is not equivalent to nor does it replace or include a standard diploma, advanced diploma, adjusted diploma or adult standard diploma.

(Added to NAC by Bd. of Education by R086-99, 11-3-99, eff. 1-1-2000; A by R091-99, 1-14-2000)

NAC 389.0195 "Criterion-referenced examination" defined. (NRS 385.080) "Criterion-referenced examination" means an examination in which the achievement and proficiency of a pupil on the examination is compared to an expected level of achievement and proficiency on the examination that is based on the specific academic standards, knowledge and skills that the examination was designed to measure.

(Added to NAC by Bd. of Education by R065-99, eff. 11-3-99; A by R072-01, 11-7-2001)

NAC 389.027 "High school proficiency examinations" defined. (NRS 385.080) "High school proficiency examinations" means the criterion-referenced examinations 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.

(Added to NAC by Bd. of Education by R065-99, eff. 11-3-99; A by R072-01, 11-7-2001)

NAC 389.031 "Norm-referenced examination" defined. (NRS 385.080) "Norm-referenced examination" means an examination that:

1. Is administered to a national reference group; and
2. Allows for a comparison of the achievement and proficiency of pupils in this State to the achievement and proficiency of pupils in the national reference group who are tested at the same educational level and share the same general demographic characteristics.

(Added to NAC by Bd. of Education by R065-99, eff. 11-3-99; A by R072-01, 11-7-2001)

NAC 389.034 "Semester" defined. (NRS 385.080) "Semester" means one of the two academic terms that make up the school year at a school that offers a traditional 9-month school schedule.

(Added to NAC by Bd. of Education by R037-99, 11-3-99, eff. 7-1-2000)

NAC 389.035 "Standard diploma" defined. (NRS 385.080) "Standard diploma" means a diploma which evidences a pupil's graduation from high school but which is not an adjusted diploma or an adult standard diploma.
(Added to NAC by Bd. of Education, eff. 12-16-82)

NAC 389.0355 "The arts" defined. (NRS 385.080) "The arts" means the areas of visual arts, music and theater.
(Added to NAC by Bd. of Education by R073-00, eff. 6-20-2000)

NAC 389.036 "Trimester" defined. (NRS 385.080) "Trimester" means one of the three academic terms that make up the school year at a school that offers a 12-month school program or a school program involving alternative scheduling whose regular academic year consists of three terms.
(Added to NAC by Bd. of Education by R037-99, 11-3-99, eff. 7-1-2000)

NAC 389.040 "Unit of credit" defined. (NRS 385.080) "Unit of credit" means an amount of credit which is awarded to a pupil for his successful completion of a course containing at least 120 hours of instruction or the equivalent.
(Added to NAC by Bd. of Education, eff. 12-16-82)

ADMINISTRATION OF ACHIEVEMENT AND PROFICIENCY EXAMINATIONS

NAC 389.048 Eligibility for high school proficiency examinations. (NRS 385.080, 389.015)

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.

NAC 389.051 Times for administration; special administration. (NRS 385.080, 389.015, 389.550)

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,
on the respective dates specified by the Department of Education.
(f) For grade 12 and for adults, 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; and

(2) The summer months,

on the respective dates specified by the Department of Education.

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

(1) February;

(2) April;

(3) The summer months; and

(4) November,

on the respective dates specified by the Department of Education.

(j) For grade 12 and for adults, the high school proficiency examinations in reading, 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.

(Added to NAC by Bd. of Education, eff. 3-9-88; A 9-15-89; 9-13-91; 10-8-93, eff. 9-1-94; 11-17-95; R115-97, 12-10-97; R115-97, 12-10-97, eff. 7-1-98; R019-98, 4-17-98; R019-98, 4-17-98, eff. 7-1-98; R065-99, 11-3-99; R065-99, 11-3-99, eff. 9-1-2000; R072-01, 11-7-2001; R072-01, 11-7-2001, eff. 7-1-2002)

NAC 389.0515 General requirements for examinations. (NRS 385.080, 389.015, 389.550)

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 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) 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 of Education 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)

NAC 389.052 Determination of whether pupil is exempt from taking examinations. (NRS 385.391**)** A school shall determine whether a pupil is exempt from taking the examinations administered pursuant to NRS 389.015 in accordance with NAC 389.063, subsection 6 of NRS 389.017 and the current edition of the *Guidelines for the Conduct of the Nevada Proficiency Examination Program* published by the Department of Education.

(Added to NAC by Dep't. of Education by R046-98, eff. 5-29-98)

NAC 389.054 Confidentiality and security of testing materials. (NRS 385.080**,** 389.015**,** 389.550**,** 389.616**)**

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, 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 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.

(Added to NAC by Bd. of Education by R115-97, eff. 12-10-97; A by R065-99, 11-3-99; R072-01, 11-7-2001)

NAC 389.056 Procedures for administration. (NRS 385.080**,** 389.015**,** 389.550**)** 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, the pupil must be included in the regular administration of the examination if 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 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 Examinations in Writing," adopted by the Department of Education.

3. For 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 Criterion-Referenced Tests at Grades Three and Five," adopted by the Department of Education.

4. For grades 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 Examinations in Mathematics, Science, Reading and Writing," adopted by the Department of Education.

(Added to NAC by Bd. of Education, eff. 3-9-88; A 9-15-89; 12-11-89; 9-13-91; 10-8-93, eff. 9-1-94; 11-17-95; R115-97, 12-10-97; R019-98, 4-17-98; R072-01, 11-7-2001)

NAC 389.057 Eligibility for reexamination. (NRS 385.080**,** 389.015**,** 389.550**)**

1. A pupil who fails a proficiency examination administered during grade 11 is eligible to be reexamined only at 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, 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 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)

NAC 389.058 Reporting of results to Department of Education. (NRS 385.080**,** 389.015**,** 389.017**,** 389.550**)**

1. Except as otherwise provided in subsection 2, a private entity that has contracted with the State Board to score the examinations pursuant to 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.

(Added to NAC by Bd. of Education, eff. 9-15-89; A 12-11-89; 9-13-91; 10-8-93, eff. 9-1-94; R115-97, 12-10-97; R072-01, 11-7-2001)

NAC 389.059 Restriction on reporting scores of individual pupils; reporting of aggregated scores. (NRS 385.080**,** 389.015**,** 389.017**,** 389.550**)**

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.

(Added to NAC by Bd. of Education, eff. 9-13-91; A by R065-99, 11-3-99; R072-01, 11-7-2001)

NAC 389.061 Specific norm-referenced and criterion-referenced examinations required. (NRS 385.080**,** 389.015**,** 389.550**)** 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 grades 11 and above, 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;

(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.

(Added to NAC by Bd. of Education, eff. 3-9-88; A 9-15-89; 12-11-89; 9-13-91; 10-8-93, eff. 9-1-94; R115-97, 12-10-97; R019-98, 4-17-98; R065-99, 11-3-99; R072-01, 11-7-2001; R072-01, 11-7-2001, eff. 7-1-2002)

NAC 389.063 Assessment of proficiency in English of pupils whose primary language is not English. (NRS 385.080, 389.011, 389.015, 389.550)

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, 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, the pupil must also be required to complete the examinations required by NAC 389.061.

4. 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, the pupils not required to complete the:

(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.

(Added to NAC by Bd. of Education, eff. 9-13-91; A 10-8-93, eff. 9-1-94; R115-97, 12-10-97; R019-98, 4-17-98; R072-01, 11-7-2001)

NAC 389.066 Scores indicating failure to demonstrate adequate achievement. (NRS 385.080**,** 389.015**)** 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.

(Added to NAC by Bd. of Education, eff. 3-9-88; A 9-15-89; 9-13-91; 10-8-93, eff. 9-1-94; R115-97, 12-10-97; R019-98, 4-17-98; R072-01, 11-7-2001)

NAC 389.071 Proficiency examinations in writing: Eleventh grade and above; fourth and eighth grade. (NRS 385.080**,** 389.015**)**

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.

(Added to NAC by Bd. of Education, eff. 3-9-88; A 9-13-91; 10-8-93, eff. 9-1-94; R072-01, 11-7-2001)

NAC 389.076 Nevada High School Proficiency Examination in Reading. (NRS 385.080**,** 389.015**)**

1. 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.

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 required by 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.

(Added to NAC by Bd. of Education, eff. 3-9-88; A 9-15-89; R115-97, 12-10-97; R065-99, 11-3-99; R072-01, 11-7-2001; R072-01, 11-7-2001, eff. 7-1-2002; R072-01, 11-7-2001, eff. 7-1-2003)

NAC 389.079 Nevada High School Proficiency Examination in Science. (NRS 385.080, 389.015)

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.

(Added to NAC by Bd. of Education by R072-01, eff. 11-7-2001

NAC 389.081 Nevada High School Proficiency Examination in Mathematics. (NRS 385.080, 389.015)

1. 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 multistep 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 multistep probability experiments, measures of central tendency and sampling.

2. Pupils may be tested in the areas listed in subsection 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.

3. The examination required by 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.

(Added to NAC by Bd. of Education, eff. 3-9-88; A 9-15-89; R115-97, 12-10-97; R065-99, 11-3-99; R072-01, 11-7-2001; R072-01, 11-7-2001, eff. 7-1-2002; R072-01, 11-7-2001, eff. 7-1-2003)

NAC 389.083 Maintenance of results of examinations and list of names and scores. (NRS 385.080**,** 389.017**,** 389.560**)**

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.

(Added to NAC by Bd. of Education, eff. 9-13-91; A 1-26-94, eff. 9-1-94; R072-01, 11-1-2001)

Requirements for Diploma

NAC 389.655 Passage of proficiency examinations. (NRS 385.080**,** 389.015**)**

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 and data 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.

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.

(Added to NAC by Bd. of Education, eff. 3-9-88; A 9-15-89; 9-13-91; 1-26-94; R115-97, 12-10-97; R019-98, 4-17-98; R060-98, 6-26-98; R065-99, 11-3-99; R072-01, 11-7-2001)

NAC 389.658 Submission of results of proficiency examinations. (NRS 385.080, 389.017)

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.

[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)

NAC 389.659 Units required for promotion to next higher grade level; waiver of certain requirements. (NRS 385.080)

1. If a pupil enrolls in the 9th grade during or after the 1999-2000 school year:

(a) Except as otherwise provided in subsection 2, the pupil must earn a minimum of:

(1) Five units of credit to be promoted to the 10th grade.

(2) Eleven units of credit to be promoted to the 11th grade.

(3) Seventeen units of credit to be promoted to the 12th grade.

(b) A school district shall evaluate the transcripts of the pupil if he transferred to a high school within the school district from another high school located outside the school district, whether located inside or outside this State, to determine the grade level for which the pupil qualifies pursuant to paragraph (a).

(c) Except as otherwise provided in subsection 2, the pupil shall be deemed deficient in credit if, after completing a year of high school, he failed to earn at least the number of units of credit required pursuant to paragraph (a) to be promoted to the next higher grade level.

2. The superintendent of a local school district may waive the requirement set forth in:

(a) Subparagraph (1) of paragraph (a) of subsection 1 if:

(1) The local school district is a school district in which the 9th grade is taught in a junior high or middle school; and

(2) He determines that extenuating circumstances exist; and

(b) Subparagraph (3) of paragraph (a) of subsection 1 if he determines that extenuating circumstances exist.

(Added to NAC by Bd. of Education by R091-99, eff. 1-14-2000)

NAC 389.660 Provision of remedial study for pupil in grade 11 or 12. (NRS 385.080, 389.015)

1. Each school district shall provide remedial study to each pupil in grade 11 or 12 who:

(a) Fails any of the high school proficiency examinations two or more times; or

(b) Is deemed deficient in credit pursuant to paragraph (c) of subsection 1 of NAC 389.659 in:

(1) English, including reading, composition and writing;

(2) Mathematics; or

(3) Science.

2. A school district shall not charge such a pupil for any of the costs related to the remedial study, including, without limitation, costs relating to transporting the pupil to the remedial study, unless the deficiency in credit is a result of his:

(a) Absence from school, other than an absence from school that has been verified as excused for medical reasons; or

(b) Habitual truancy.

3. 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, eff. 12-16-82; A by R115-97, 12-10-97; R091-99, 1-14-2000)

NAC 389.661 Enrollment in remedial study required for failure of proficiency examinations two or more times. (NRS 385.080, 389.015)

1. Except as otherwise provided in subsection 2, a pupil who enrolls in the 11th grade during or after the 1999-2000 school year and who has failed any of the high school proficiency examinations two or more times must enroll in remedial study that is provided pursuant to NAC 389.660.

2. The superintendent of a local school district may waive the requirement set forth in subsection 1 if he determines that extenuating circumstances exist.

(Added to NAC by Bd. of Education by R091-99, eff. 1-14-2000)

NAC 389.662 Proficiency examinations for pupil who transfers to Nevada high school. (NRS 385.080, 389.015)
A pupil who transfers to a Nevada high school from another school must pass the proficiency examination, administered pursuant to NRS 389.015, before he is graduated from the Nevada high school.

(Added to NAC by Bd. of Education, eff. 12-16-82)—(Substituted in revision for NAC 389.100)

NAC 389.663 Units and grade point average required to receive advanced diploma. (NRS 385.080, 385.110)

1. To receive an advanced diploma evidencing graduation from high school, a pupil who enrolls in the ninth grade during or after the 1999-2000 school year must, in addition to having passed the proficiency examination required by NRS 389.015, have:

(a) Earned a minimum of 17 units of credit for required courses and 7 units of credit for elective courses for a total of at least 24 units of credit; and

(b) Maintained at least a 3.0 grade point average on a 4.0 grading scale, weighted or unweighted, for all units of credit applicable toward graduation.

2. The units for the required courses must be earned in accordance with the following table:

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities or occupational education	1
Social studies	1
English, including reading, composition and writing	4
Health education	1/2
Mathematics	3
Physical education	2
Use of computers	1/2
Science	3
TOTAL	17

(Added to NAC by Bd. of Education by R091-99, eff. 1-14-2000; A by R025-01, 11-1-2001; R061-02, 9-6-2002)

NAC 389.664 Units required to receive standard diploma. (NRS 385.080, 385.110)

1. Except as otherwise provided in subsections 2 and 3, to receive a standard diploma evidencing graduation from high school, a pupil must, in addition to having passed the proficiency examination required by NRS 389.015, have earned a minimum of 15 units of credit for required courses and 7 1/2 units of credit for elective courses for a total of at least 22 1/2 units of credit. The units for the required courses must be earned in accordance with the following table:

Required Course	Minimum Number of Units
American government	1
American history	1
Arts and humanities or occupational education	1
English, including reading, composition and writing	4
Health education	1/2
Mathematics	3
Physical education	2
Use of computers	1/2
Science	2
TOTAL:	15

2. Except as otherwise provided in subsection 3, if a pupil enrolled in the ninth grade during or before the 1998-1999 school year, to receive a standard diploma evidencing graduation from high school, the pupil must, in addition to having passed the proficiency examination required by NRS 389.015, have earned a minimum of 1 unit of credit in American government, 1 unit of credit in American history, 1 unit of credit in arts and humanities, 4 units of credit in English, including reading, composition and writing, 1/2 unit of credit in health education, 2 units of credit in mathematics, 2 units of credit in physical education, 1/2 unit of credit in the use of computers and 2 units of credit in science, for a total of at least 14 units of credit for required courses. The units of credit required by this subsection are in addition to a minimum of 8 1/2 units of credit for elective courses that the pupil must have earned for a total of at least 22 1/2 units of credit.

3. If a pupil satisfactorily completes a course of study in the use of computers during the sixth, seventh or eighth grade, he is not required to take the course of study in the use of computers and must only earn a minimum of 14 1/2 units of credit for required courses pursuant to subsection 1 or 13 1/2 units of credit for required courses pursuant to subsection 2. The course of study in the use of computers must be for at least one semester or trimester, or the equivalent, and must not be taught as part of another course of study. This subsection authorizes, but does not require, a school district to offer a course in the use of computers as part of the curriculum of a middle school.

(Added to NAC by Bd. of Education, eff. 12-16-82; A 5-4-87; R091-99, 1-14-2000; R037-99, 11-3-99, eff. 7-1-2000; R061-02, 9-6-2002)

NAC 389.688 Requirements for adult standard diploma. (NRS 385.080, 385.110)

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

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

(b) Has passed the proficiency examination which is administered to high school pupils pursuant to NRS 389.015;

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

(d) Is 17 years of age or older at the time of the award.

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 units for the required courses in accordance with the following table:

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

Required Course	Minimum Number of Units
Arts and humanities or occupational 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, he 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.

(Added to NAC by Bd. of Education, 12-16-82, eff. 7-1-83; A 5-4-87; 3-9-88, eff. 7-1-92; R067-97, 12-10-97; R037-99, 11-3-99, eff. 7-1-2000; R029-01, 11-1-2001, eff. 7-1-2002; R061-02, 9-6-2002)

NAC 389.695 Attendance at adult high school diploma program for test preparation. (NRS 385.080**,** 385.448**)** The board of trustees of a school district may allow a person who is 16 years of age who has withdrawn from high school so that he may take the tests of general educational development to attend an adult high school diploma program only for the purpose of test preparation.

(Added to NAC by Bd. of Education by R029-01, eff. 11-1-2001)

APPENDIX E – PRINCIPAL ASSURANCE FORM

AUTHORIZATION TO ADMINISTER TESTS IN THE NEVADA PROFICIENCY EXAMINATION PROGRAM IN ACCORDANCE WITH NEVADA REVISED STATUTES (NRS) AND THE NEVADA ADMINISTRATIVE CODE (NAC)

Authorization to Administer Tests in the Nevada Proficiency Examination Program in Accordance with Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC)

School year 2004-2005

(August 1, 2004 – July 31, 2005)

The _____ of _____School District
(School Name)

IS HEREBY AUTHORIZED TO ADMINISTER THE NEVADA PROFICIENCY EXAMINATIONS PURSUANT TO NRS 389.015, NRS 389.017, NRS 389.550, AND NAC CHAPTER 389 DURING THE 2004-05 SCHOOL YEAR,

AND ALSO AGREES THAT THE BUILDING PRINCIPAL WILL:

1. Ensure compliance with the principles and procedures described in the current editions of the GUIDELINES FOR THE CONDUCT OF THE NEVADA PROFICIENCY EXAMINATION PROGRAM, TEST SECURITY PROCEDURES FOR NEVADA PROFICIENCY EXAMINATIONS, the TEST COORDINATOR'S MANUAL for the *ITBS* and *ITED*, the DIRECTIONS FOR ADMINISTRATION for the *ITBS* and *ITED*, the ADMINISTRATION MANUALS for the 4th and 8th grade Proficiency Examinations in Writing, the ADMINISTRATION MANUALS for the criterion-referenced tests, and the ADMINISTRATION MANUAL(S) for the Nevada High School Proficiency Examinations, as appropriate for grade levels in his/her school; Chapter 389 of the Nevada Administrative Code; Chapter 389 of the Nevada Revised Statutes; and other manuals and guidelines published by the Department of Education and/or its contractors.

2. Ensure that all personnel involved in the administration of examinations required by the Nevada Proficiency Examination Program are annually trained in the requirements for test administration and security as detailed in the District Test Security Plan and the TEST SECURITY PROCEDURES FOR NEVADA PROFICIENCY EXAMINATION: 2004-2005.

3. Accept personal responsibility for all materials required for the administration of the Nevada Proficiency Examinations and the supervision of the administration and security of those examinations.

4. Advise the District Test Director of any change(s) in personnel responsible for test materials and test administration.

5. Provide secure locked storage for all testing materials while on site and return testing materials promptly to the district test director, when required.

6. Immediately report any suspected irregularity in test administration or test security to the District Test Director and the Nevada Department of Education Administrative Assistant for Test Security (775-687-9188).

Building principal:

School
Physical address: _____

_____

School
Mailing address: _____

_____

Office telephone: _____ FAX number: _____

If principal is not available, contact: _____ at _____

Signature of building principal: _____ Date: _____

ORIGINAL *AND* YELLOW - District Office (District Office MUST forward originals to Nevada Department of Education Assessment Office and retain yellow copies); **PINK** - Principal's copy

Outline of Requirements for Test Administration and Security of the Nevada Proficiency Examination Program (NPEP)[1]

1. All educational personnel involved in the administration of NPEP examinations must be trained annually in the instructions regarding preparation for testing, handling test materials, and test security for those tests that will be administered in their school.

2. Each individual who is involved with the administration of NPEP examinations will acknowledge in writing that he/she has read and understands all information provided by the school district related to proper test security and test administration, and understands the potential consequences for failure to comply with the state and district test security plans.

3. Locked secure storage must be provided for all secure test materials, including test booklets, writing prompts, answer keys and completed answer sheets, while the materials are on site.

4. The locked room or file cabinet used for the storage of secure materials required for the Nevada Proficiency Examination Program must not be accessible to anyone other than the principal or test coordinator, nor can it be used for the storage of other materials to which individuals other than the principal or test coordinator require access.

5. Examinations must not be distributed to those who will administer the test until the prescribed date for test administration.

6. Knowledge or review of actual test content is not necessary for valid test administration and is strictly prohibited.

7. Under no circumstances shall copies of test booklets, writing prompts, or student responses be circulated among faculty, administrators, or other persons.

8. Examination booklets may not be copied or reproduced by any means without the prior written authorization of the test publisher and the Nevada Department of Education.

9. Administration of a NPEP examination to a person who is not eligible to take that examination is an unauthorized disclosure of test content.

10. A log identifying the serial numbers of test booklets must be maintained for each transfer of the test booklets from one individual to another (including distribution to students).

11. At least one test administrator and a sufficient number of proctors must be provided at the testing site to adequately supervise the testing. A ratio of one proctor to not more than 30 students is strongly recommended.

12. At no time should students be left unattended with test materials.

13. All required materials, e.g., #2 pencils, test booklets, answer documents, and scratch paper must be provided at the testing location.

14. Additional materials, beyond those specified in test administration instructions, or approved by an IEP committee, must not be provided to students for use during a test administration.

15. The class test administrator must account for all test materials, including test booklets, writing prompts, student responses, and other test materials, including scratch paper, before a student is allowed to leave the testing area for any reason.

16. On completion of testing, test administrators must return testing materials to the test coordinator in a timely manner and not later than the end of the school day on which the test(s) is/are administered. If testing will take place over a period of more than one day, all testing materials must be returned to the school test coordinator at the end of each school day and picked up again in the morning of the next testing day, unless otherwise specified in the administration manual.

[1] This outline provides a **summary** of test administration and test security requirements. It is imperative that all guidelines and procedures be strictly adhered to.

APPENDIX F – IEP ACCOMMODATION FORM

IEP ACCOMMODATION FORM FOR THE NEVADA PROFICIENCY EXAMINATION PROGRAM

IEP Accommodation Form for the Nevada Proficiency Examination Program
Effective for 2004-2005 School Year Only

Student Name:_____ **Date:**_____

This form is to be used by a student's IEP committee in documenting need for testing accommodations and must accompany the IEP. Accommodations selected are specific and must be provided to the appropriate classroom test administrator(s). Test security guidelines must be strictly adhered to in the administration of NPEP testing for all students. At least one of options I through III must be completed. Students identified only as Gifted and/or Talented may not use accommodations.

I. NO ACCOMMODATIONS NEEDED

_____It is the judgment of the IEP committee that no accommodations are needed for this student. The student will test using standard conditions.

II. ACCOMMODATIONS

The accommodations for the Nevada Proficiency Examination Program, which are listed below, apply to the HSPE, the Writing Assessments, the *ITBS* and *ITED,* and the CRTs, unless otherwise indicated. The use of accommodations other than those specifically outlined below requires prior approval by the Nevada Department of Education. A list of contacts is provided in *Guidelines for the Nevada Proficiency Examination Program*. Accommodations in the Test Setting (Check only those that apply to this student):

_____Individual administration will be allowed.
_____Small group administration (other than regular classroom) will be allowed.
_____Administration in an alternative setting will be allowed.
Describe:_____
_____Provide for special lighting.
Describe:_____
_____Provide for test administration in a study carrel or reasonable substitute.
_____Provide for special acoustics such as an amplifier for verbal instructions.
Describe:_____

Accommodations in Test Scheduling (Check only those that apply to this student):
_____Tests administered at a time of day when the student is expected to do his/her best work.
Describe:_____
_____The time allowed to take the test in a single session is extended to allow for rest periods to counter fatigue or to allow for the increased time required by altered testing procedures **(not to exceed twice the normal time).**

Extra time is allowed **ONLY** on the tests or subtests listed below that are identified with an "X": *(circle grade)*

	CRTs (3, 4, 5, 6, 7, 8)	NRT (4, 7, 10)	HSPE (10, 11, 12, Adult)
Reading	X	X	X
Language		X	
Mathematics	X	X	X
Science	X	X	
Writing	X		X

Accommodations in Test Administration (Check only those that apply to this student):
_____ Provide test administration by a specific individual (i.e., special education teacher, guidance counselor, etc.).
Specify:_____
_____Student will use
_____ a visual magnification device.

_____ an electronic device whose sole function is to enlarge text.
_____ a mask to cover portions of the test.
_____ markers to maintain his/her place.
_____ a large-print or Braille (circle one) version of the test.
_____ a device to screen out extraneous sounds.
_____ a calculator on the HSPE or CRT mathematics test.
_____Test administrator or proctor will:
_____ use an auditory amplification device to give directions.
_____ read directions aloud in English that are not normally read aloud to the student.
_____ reread directions aloud in English as necessary.
_____ provide verbatim directions in English to the student in sign language.
_____ read the Language test (subtest found only on ***ITBS/ITED***) verbatim, in English, to student.
_____ read the mathematics test(s) verbatim, in English, to the student.
_____ read the science test(s) verbatim, in English, to the student.
_____ provide directions, verbatim, in English, on a separate sheet for the student to use as needed.

Accommodations in Student Responses (Check only those that apply to this student):
_____Student will:
_____ use pencils adapted in size or grip diameter.
_____ type written responses using a keyboard or typewriter. (**The use of electronic aids such as spelling, grammar, or hyphenation checks are not permitted on the writing assessment.)**
_____ use a Braillewriter to record responses to writing prompts or constructed response question(s).
_____ record responses to multiple-choice questions in the test booklet or on a separate sheet of paper.
_____ record response(s) to writing prompts or constructed response question(s), on a separate sheet of paper.
_____ dictate responses for multiple-choice questions to a test administrator or proctor.
_____ dictate responses for constructed response questions to a test administrator or proctor. **(This option is NOT available to students taking a writing assessment.)**
Other Accommodation(s):
_____ *IEP committees should check with the Nevada Department of Education on the use of any accommodation not listed on this accommodation form.* If an accommodation has been approved in writing by the Department of Education: Assessment, Program Accountability, and Curriculum, please attach a copy of the letter.
Description of accommodation:_____

III. ALTERNATE ASSESSMENT(S)

_____It is the judgment of the IEP committee that this student will not participate in the CRT, ***ITBS*** or ***ITED***, or Writing Assessment during the period of the current IEP. The following alternate assessment(s) has/have been selected as a replacement:_____
NOTE: (IEP committees who make this decision must be aware of the long-range impact this decision may have on the student. The SCAAN is based upon alternate achievement standards; therefore, student achievement will be based on these alternate standards. Please refer to the "Administration and Reporting Guidelines for SCAAN" for additional information.)

TESTING MODIFICATIONS

All students who test using other than accommodations (see lists above) will be placed in the lowest achievement category for that test and will be counted for participation. The following are not accommodations but are modifications and do affect the validity of the test scores. The following list is not exhaustive but has been provided to highlight a few specific modifications that do affect the validity and reliability of a student's test scores.

- Test administrator reading the reading test on the CRT or on the HSPE or vocabulary test(s) of the *ITBS/ITED* to the student. (This includes any process for orally transmitting the test content to the student through the use of any device that converts print or other code to speech.)
- Student using an electronic spell check or grammar check device on a writing assessment.
- Student dictating to a scribe the response to the HSPE in Writing or 4th or 8th Grade Writing Assessment.
- Student using a calculator on the Math Computation section of the *ITBS or ITED*, or on Part 2 of Math Concepts and Estimation section of either the *ITBS or ITED.*

APPENDIX G – SECTION 504 ACCOMMODATION FORM

SECTION 504 ACCOMMODATION FORM
FOR THE NEVADA
PROFICIENCY EXAMINATION PROGRAM

Section 504 Accommodation Form for the Nevada Proficiency Examination Program
Effective for 2004-2005 School Year Only

Student Name:_____**Date:**_____

This form is to be used by a student's Section 504 committee in documenting the need for testing accommodations and must be on file with the student's Section 504 Plan. Accommodations selected are specific and must be provided by the appropriate classroom test administrator(s). Test security guidelines must be strictly adhered to in the administration of NPEP testing for all students. Either Option I or II must be completed.

I. NO ACCOMMODATIONS NEEDED

_____It is the judgment of the Section 504 committee that no accommodations are needed for this student. The student will test using standard conditions.

II. ACCOMMODATIONS

The accommodations for the Nevada Proficiency Examination Program, which are listed below, apply to the HSPE, the Writing Assessments, the *ITBS* and *ITED*, and the CRTs, unless otherwise indicated. The use of accommodations other than those specifically outlined below requires prior approval by the Nevada Department of Education. A list of contacts is provided in *Guidelines for the Nevada Proficiency Examination Program*.

Accommodations in the Test Setting (Check only those that apply to this student):

_____Individual administration will be allowed.
_____Small group administration (other than regular classroom) will be allowed.
_____Administration in an alternative setting will be allowed.
Describe:_____
_____Provide for special lighting.
Describe:_____
_____Provide for test administration in a study carrel or reasonable substitute.
_____Provide for special acoustics such as an amplifier for verbal instructions.
Describe:_____

Accommodations in Test Scheduling (Check only those that apply to this student):

_____Tests administered at a time of day when the student is expected to do his/her best work.
Describe:_____
_____The time allowed to take the test in a single session is extended to allow for rest periods to counter fatigue or to allow for the increased time required by altered testing procedures **(not to exceed twice the normal time).**

Extra time is allowed **ONLY** on the tests or subtests listed below that are identified with an "X": *(circle grade)*

	CRTs (3, 4, 5, 6, 7, 8)	NRT (4, 7, 10)	HSPE (10, 11, 12, Adult)
Reading	X	X	X
Language		X	
Mathematics	X	X	X
Science	X	X	
Writing	X		X

Accommodations in Test Administration (Check only those that apply to this student):

_____ Provide test administration by a specific individual (i.e., guidance counselor, etc.).
Specify:_____

Student will use

____ a visual magnification device.
____ an electronic device whose sole function is to enlarge text.
____ a mask to cover portions of the test.
____ markers to maintain his/her place.
____ a device to screen out extraneous sounds.

_____Test administrator or proctor will:

_____ use an auditory amplification device to give directions.
_____ read directions aloud in English that are not normally read aloud to the student.
_____ read directions aloud in English as necessary.
_____ reread directions aloud, verbatim, in English as necessary.
_____ read Language test (subtest found only on the *ITBS/ITED)* verbatim, in English, to student
_____ read the mathematics test(s) verbatim, in English, to the student.
_____ read the science test(s) verbatim, in English, to the student.

Accommodations in Student Responses (Check only those that apply to this student):
Student will:

_____ use pencils adapted in size or grip diameter.
_____ type written responses using a keyboard or typewriter. (**The use of electronic aids such as spelling, grammar, or hyphenation checks are not permitted on the writing assessment.)**
_____ record responses to multiple-choice questions in the test booklet or on a separate sheet of paper.
_____ record response(s) to writing prompts or constructed response question(s), on a separate sheet of paper.
_____ dictate responses for multiple-choice questions to a test administrator or proctor.
_____ dictate responses for constructed response questions to a test administrator or proctor. **(This option is NOT available to students taking a writing assessment.)**

Other Accommodation(s):
Section 504 committees must check with the Nevada Department of Education on the use of any accommodation not listed on this accommodation form.

_____ If an accommodation not included on this form has been approved in writing by the Nevada Department of Education: Assessment, Program Accountability, and Curriculum, please attach a copy of the letter.

Description of accommodation:_____

Note: The following changes in test administration procedures are NEVER ALLOWED:

- Test administrator reading the reading test on the CRT or HSPE, or vocabulary test(s) on the *ITBS* or *ITED* to the student. (This includes any process for orally transmitting the test content to the student through the use of any device that converts print or other code to speech.)
- Student using an electronic spell check device on a writing assessment.
- Student using a bilingual dictionary on the *HSPE in Reading, Math and Writing*.
- Dictation to a scribe for the *Fourth and Eighth Grade Writing Proficiency Examination* or for the *High School Proficiency Examination in Writing*.

APPENDIX H – LEP ACCOMMODATION FORM

NEVADA PROFICIENCY EXAMINATION PROGRAM
PROFICIENCY TESTING RECORD FOR LIMITED ENGLISH PROFICIENT STUDENTS

NEVADA PROFICIENCY EXAMINATION PROGRAM
Proficiency Testing Record for Limited English Proficient Students
Effective for 2004-2005 School Year Only

Student Name_____**Date**_____

School_____ **District**_____

All limited English proficient students must be tested for English language proficiency as well as for subject area content knowledge. The *Language Assessment Scales (LAS)* will be used to assess English language proficiency in oral speech, reading, writing, speaking, and comprehension. These *LAS* scores cannot be used as an alternate to state-mandated content area assessments. All LEP students must also participate in the state subject area content assessments.

Administration of the Language Assessment Scales (LAS) Copyright 1990, CTB/McGraw Hill

LAS-O (Oral) Score:_____**LAS-O Level** _____**Date of LAS-O**_____

LAS-R (Reading)Score:_____ **LAS-R Level** _____**Date of LAS-R**_____

LAS-W (Writing) Score:_____ **LAS-W Level** _____**Date of LAS-W**_____

LAS-S (Speaking) Score:_____ **LAS-S Level** _____ **Date of LAS-S**_____

LAS-C (Comprehension) Score:_____ **LAS-C Level** _____ **Date of LAS-C**_____

Level 1	Level 2	Level 3	Level 4	Level 5*
0-60	**61-120**	**121-180**	**181-240**	**241+**

***Students scoring at Level 5 in the particular content area being tested are considered on monitored status and are not allowed any accommodations on the same state subject area content test.**

One of the two options below must be completed for each LEP student. LEP students who are on monitored status cannot use an accommodation for a state-mandated subject area content assessment. Accommodations are specific for each student and must be on file in the student's folder. Relevant information from this form must be provided to the appropriate test administrator(s). Test security guidelines must be strictly adhered to in all testing for NPEP.

I. NO ACCOMMODATIONS NEEDED
_____No accommodations are needed for this student. The student will test using standard conditions.

II ACCOMMODATIONS (Check only those that apply to this student.)

The accommodations for the Nevada Proficiency Examination Program, which are listed below, apply to the HSPE, the Writing Assessments, the *ITBS* and *ITED* and the CRTs, unless otherwise indicated. The use of accommodations other than those specifically outlined below requires prior approval by the Nevada Department of Education. A list of contacts is provided in *Guidelines for the Nevada Proficiency Examination Program*.

Accommodations in the Test Setting (Check only those that apply to this student):
_____Individual administration will be allowed.
_____Small group administration (other than regular classroom) will be allowed.
_____Administration in an alternative setting will be allowed. Describe:_____
_____Student will take the test in a study carrel or reasonable substitute.

Accommodations in Test Scheduling (Check only those that apply to this student):

_____The time allowed to take the test in a single session is extended to allow an LEP student to take the test in English**.** Extra time is allowed only on the tests or subtests listed below that are identified with an "X": (circle grade)

	CRTs (3, 4, 5, 6, 7, 8)	NRT (4, 7, 10)	HSPE (10, 11, 12, Adult)
Reading	X	X	X
Language		X	
Mathematics	X	X	X
Science	X	X	
Writing	X		X

Accommodations in Test Administration (Check only those that apply to this student):

_____A specific individual may administer the test. (i.e. ESL/ELL teacher).
Specify:_____
_____Words in writing test prompt(s) will be **defined** so that the student understands the meaning of the topic. **(No help can be given on responding to the topic nor may the prompt or any part of it be translated into the student's first language.)**
_____Student will use a bilingual dictionary on the CRTs, grades 3-8, and on 4th and 8th grade writing assessments.
_____Student will use word-for-word translators on the *ITBS* and the *ITED.*
Test administrator or proctor
_____may answer questions that deal with **testing procedures**.
_____ will read aloud **directions** that are not normally read aloud to the student in the student's native language when possible and necessary.
_____ will reread **directions** aloud as necessary.
_____ will read the Language test ***(ITBS/ITED* only)** verbatim, **in English,** to the student.
_____ will read the mathematics test(s) verbatim, **in English,** to the student.
_____ will read the science test(s) verbatim, **in English,** to the student.

Other Accommodation(s):

_____An accommodation not listed above, which has been approved in writing by the Nevada Department of Education: Assessment, Program Accountability, and Curriculum. (Attach copy of letter.)
Description of accommodation:_____

Note: The following changes in test administration procedures are NEVER ALLOWED:

- Test administrator reading the reading test on the CRT or HSPE, or vocabulary test(s) on the *ITBS* or *ITED* to the student. (This includes any process for orally transmitting the test content to the student through the use of any device that converts print or other code to speech.)
- Student using an electronic spell check device on a writing assessment.
- Student using a bilingual dictionary on the *HSPE in Reading, Math and Writing*.
- Dictation to a scribe for the *Fourth and Eighth Grade Writing Proficiency Examination* or for the *High School Proficiency Examination in Writing*.

APPENDIX I – CONFIDENTIALITY AGREEMENT

Confidentiality Agreement Form
for the Nevada Proficiency Examination Program

Effective for 2004-2005 School Year Only

CONFIDENTIALITY AGREEMENT

This form is to be used by a test administrator who is required by a student's IEP to read portions of any state assessment. Test security guidelines must be strictly adhered to in the administration of NPEP testing for all students.

Test security and student confidentiality are of utmost importance to the Nevada Department of Education. As a test administrator for special education students on state assessments, you have access to materials that must be regarded as secure, specifically any content that you read in any of the testing booklets. All materials must be treated as confidential. You are not to reproduce any materials, directly or indirectly, not to disclose the contents of these materials to anyone, not to discuss the test with anyone, not to take notes about what you read, and not to in any other way let the contents of the test be known.

We are certain that you share our concern that all assessment materials and student responses be handled in a professional, secure, and confidential manner. By signing this form, you agree to abide by these guidelines as set forth in NRS 389.015.

Please return this signed form to:

Nevada Department of Education
Assessment, Program Accountability, and Curriculum
Room 108
700 East Fifth Street
Carson City, Nevada 89701

_____
Name (please print)

_____ _____
Signature Date

_____
School/Work

APPENDIX J – SHIPPING INSTRUCTIONS FOR WRITING EXAMINATIONS

INSTRUCTIONS FOR RETURN OF ANSWER DOCUMENTS FOR ALL WRITING ASSESSMENTS TO THE DEPARTMENT OF EDUCATION

Instructions for Return of Answer Documents for All Writing Assessments to the Department of Education

Preparing Writing Assessment Answer Documents for Shipping

Make certain that only the new answer documents have been used. Destroy the old blue for HSPE in Writing and purple for 4th and 8th Grade Writing answer documents. All information blocks on each sheet of the answer document must be filled in with the information requested. These demographic sections of the answer document identify the student as well as the district and school that will receive the reports. Without this complete, accurate information, students may not receive their scores.

Schools must submit an answer document for every student enrolled in the grade (4th and 8th grade) required to take the assessment. At the high school level, an answer document must be submitted for 11th grade students enrolled in the school for the first administration of the HSPE in Writing in November whether the student actually tests or not. The only exception to this policy is for reclassified juniors who took the *HSPE in Writing* during the previous year. Any 11th grader new to the school after the November test administration must also submit an answer document for the April administration whether the student tests or not. In test administrations for the HSPE that are designed to allow 12th grade students and adults an additional opportunity to pass a required HSPE test, only answer documents for those students who test must be submitted.

General Instructions for Submitting Writing Forms

All parts of the answer document must be returned to the Nevada Department of Education. Only those answer documents with writing on them will be scored with the exception of those from IEP students using an alternate response mode. Use only the new answer documents. The old forms cannot be processed through the scoring program, and, is used, students will not receive scores.

Grades 4 and 8 Writing Assessments

- Do NOT separate the two halves of the answer sheet before shipping.
- No individual writing answer sheets may be submitted without an attached demographic page.
- **DO submit answer documents for students who begin the writing test (i.e., complete either the brainstorming and/or rough draft during the first and/or second sessions) but are absent for the final session (i.e., they do not have even one word on the writing page of the answer document).** The student's brainstorming work and/or rough draft must be paper-clipped to the inside of the answer document with the student's name and answer document number written on it. These answer documents should be separated from the other answer documents and submitted with a separate Grade/Category Header Sheet for Fourth and Eighth Grade Writing Assessments with the box for "Incomplete" marked.
- **Do submit answer documents for each student who is absent and did not take the test. Fill out a Grade/Category Header Sheet marking that students "Did Not Participate."**
- **Do submit an answer document for every student who was tested using the SCAAN. Include these answer documents in the "Did Not Participate" group.**
- **Do submit answer documents for any student whose test has been invalidated because of cheating or because of a test irregularity that impairs the validity of the score. Fill out a Grade/Category Header Sheet and mark "Invalidated Scores" for these papers.**

- **Do fill out a Grade/Category Header Sheet for each category of answer sheet, as needed: Regular Topic, Alternate Topic, Incomplete, DNP, and Invalidated Scores.**

- **Make certain that your count for each of the categories is accurate.**

HSPE Writing Assessment

- **Do NOT separate the demographic page from the writing page.**

- **Do submit answer documents for every student who is absent and did not take the test. Fill out a Grade/Category Header Sheet indicating that students "Did Not Participate."**

- **DO submit answer documents for students who begin the writing test but do not complete it. These answer documents should be included with the other answer documents to be scored.**
-
- **Do submit an answer document for every student who was tested using the SCAAN. Include these answer documents in the "Did Not Participate" group.**

- **Do submit an answer document for any student who is cheating or whose test must be invalidated because of a test irregularity that impairs the validity of the test. Fill out a Grade/Category Header Sheet, and mark the box for "Invalidated Scores."**

- **Do fill out a Grade/Category Header Sheet for each category of answer sheet, as needed: Regular Topic, Alternate Topic, Did Not Participate, or Invalidated Scores**

- **Make certain that your count for each of the categories is accurate.**

Replacing Damaged or Incorrect Answer Documents

The two halves of an answer document are numbered so that the computer can identify and match them after they are separated during the scoring process. It is essential that electronic coding on the demographic page and the writing topic page of an answer document match. If one of these sheets is damaged and must be replaced, both sheets must be replaced. Examples: If the writing section of an answer document is damaged so that a new form must be used for this test, the demographic part of the new answer document must also be completed and submitted; if the demographic section of an answer sheet is damaged, all responses, including the writing samples, must be copied to a new form before submitting the documents for scoring. The student must transfer the writing from one answer document to another.

If an old answer document was mistakenly used, the same procedure outlined in the previous paragraph must be followed so that all information on both pages of the answer document is transferred to a new answer document.

If an answer document has been pre-slugged and the information is incorrect, a new answer document must be filled out completely. Do not attempt to make corrections on the pre-slugged document.

Batching at the School Level

Following these instructions is of utmost importance to guarantee that scores are returned in a timely and accurate manner. School personnel are the key to success, and attention to detail at the school level will avert many potential problems. A lost or improperly packaged answer document is a serious matter.

- Use copies of the forms that are provided in this Appendix for returning answer documents to the Nevada Department of Education. **Do not create different forms**. Note that there are separate forms for the 4th and 8th grade writing assessments and for the High School Proficiency Examination in Writing at the school and district levels.

- Using the required roster of students who took the writing assessments or proficiency examinations,[1] please prepare the answer documents for shipping to insure that the number of documents packed for shipping agrees with the number of documents received. The person preparing the package should print his/her name as well as initial on the Grade/Category and School Header Sheets. This is the person the District Test Director will contact if the count on receipt of the documents either at the district or state level does not agree with the count indicated on the School Header Sheet.

- A check should also be made to determine that the number of answer documents being submitted is equal to the number of students who are enrolled and must be tested.

- After being checked for correct entry of the appropriate "Population" and "Testing Conditions" codes, papers for special education students, should be batched with those for regular students in the appropriate grade level.

Batching 4th and 8th Grade Writing Assessments at School Level

Schools may make photocopies of students' writing samples and retain them for instructional purposes.

1. Ensure that classroom test administrators have conducted the edit checks listed on page 30 of *Guidelines for the Nevada Proficiency Examination Program 2004-2005.*

2. DO NOT SEPARATE THE TWO PARTS OF THE ANSWER DOCUMENT. If the answer document has been separated, the test may not be scored. Refer to the previous section on replacing a separated document.

3. Carefully remove any perforated side "tractor" strips still attached taking care not to damage answer sheets.

4. Separate the answer documents into one of five categories:
   - Regular Topic
   - Alternate Topic
   - Incomplete Tests
   - Did Not Participate
   - Invalidated Scores

5. Complete a "4th and 8th Grade Writing Assessment Grade/Category Header Sheet" for each category.

[1] This roster is required by AB 214, passed by the 2002 Legislature, and is essential in accounting for all testing materials before they are returned. The roster may be a sign-up sheet that indicates the student's name and the test(s) to be taken or a preprinted roster where students can initial by their names and verify the number(s) of the test booklet(s) received, when appropriate.

6. Complete the School Header Sheet and place it on top of the answer documents that are stacked by grade for the school.

7. Pack and return the answer documents to the School District Office, as directed by your District Test Director. After completing the steps listed above, private, exempt, and other non-district affiliated schools should return answer documents to the Nevada Department of Education, Office of Assessment, Program Accountability, and Curriculum.

Batching the HSPE in Writing at the School Level

1. Insure that test administrators have completed the edit checks listed on page 30 of *Guidelines for the Nevada Proficiency Examination Program.*

2. If both 11th and 12th graders tested, sort the answer documents BY GRADE.

4. For the *HSPE in Writing*, DO NOT SEPARATE DEMOGRAPHIC SHEET FROM THE WRITING PAGE.

5. Carefully remove any perforated side tractor strips still attached, taking care not to damage answer sheets. If the answer documents are damaged, the scanner cannot read the sheets.

6. Count the number of documents in each group and log the count on a separate Grade/Category Header Sheet for each grade and category listed above. Check the appropriate boxes for grade, and category. (See "High School Proficiency Test in Writing Grade/Category Header Sheet" in this Appendix.)

7. When steps 1 through 6 have been completed for all grade levels tested, complete the School Header Sheet Header sheet in this Appendix.

8. Pack and return the answer documents to the School District Office, as directed by the District Test Director. After completing the above steps, private, exempt, and other non-district affiliated schools should return answer documents to the Nevada Department of Education, Office of Assessment, Program Accountability, and Curriculum.

Batching at the District Level

1. For both the *HSPE in Writing* and for the 4th and 8th grade writing assessments, check to make certain that answer documents have NOT been separated.

2. Batch answer sheets by school and insure that the appropriate Grade/Category and School Header sheets are used to separate different types of forms and grades. Place the School Header Sheet on top of the documents being submitted from that school.

3. Complete the District Header and place it on top of the stack of documents from the district. Please note that there is a District Header Sheet for the *4th and 8th Grade Writing Assessments* and one for the *High School Proficiency Test in Writing.*

4. Place groups of completed answer documents in boxes (or shipping envelopes for smaller numbers of answer sheets), keeping all documents in the same school and grade together. If more than one container is needed, mark the containers 1 of 6, 2 of 6, etc.

5. Tape the boxes (or envelopes) securely and ship to:

Nevada Department of Education
Assessment, Program Accountability, and Curriculum
Room 107
700 East Fifth Street
Carson City, Nevada 89701

6. Ship by a means that will ensure that the Nevada Department of Education will receive your tests quickly and that provides you with either a receipt (e.g. certified mail, return receipt requested) or a

7. method of tracing the shipment (UPS, Fed-Ex) if the shipment does not arrive promptly in Carson City.

Answer documents should be shipped as soon as possible after testing so that the Department will receive them NOT LATER THAN the following dates:

Test Date	**Deadline for Receipt of Documents**
November 3, 2004	November 12, 2004
Weeks of January 18-27, 2005	February 4, 2005
February 9, 2005	February 18, 2005
Weeks of February 17-27, 2005	February 25, 2005
April 6, 2005	April 15, 2005
May 18, 2005	May 20, 2005
July 13, 2005	July 22, 2005

In most cases, the deadline is at the end of the week following the testing dates. Please note that answer documents for the May test must be received by the Department of Education by noon on the Friday following the test date because tests will be scored on May 21 so that schools will have the scores prior to graduation.

APPENDIX K – PRINCIPAL ASSURANCE FORM FOR PRIVATE, EXEMPT, AND NON-DISTRICT-AFFILIATED SCHOOLS

AUTHORIZATION FOR PRIVATE/EXEMPT SCHOOLS TO ADMINISTER TESTS IN THE NEVADA PROFICIENCY EXAMINATION PROGRAM

Authorization for Private, Exempt, and Other Non-District-Affiliated Schools to Administer Tests in the Nevada Proficiency Examination Program

School Year 2004-2005
(August 1, 2004 – July 31, 2005)

The _____
(School Name)

IS HEREBY AUTHORIZED TO ADMINSTER THE NEVADA PROFICIENCY EXAMINATION DURING THE 2004-05 SCHOOL YEAR, AND ALSO AGREES THAT THE SCHOOL ADMINISTRATOR WILL:

1. Ensure compliance with the principles and procedures described in the current editions of the GUIDELINES FOR THE CONDUCT OF THE NEVADA PROFICIENCY EXAMINATION PROGRAM, TEST SECURITY PROCEDURES FOR NEVADA PROFICIENCY EXAMINATIONS, the TEST COORDINATOR'S MANUAL for the *ITBS* and *ITED*, the DIRECTIONS FOR ADMINISTRATION for the *ITBS* and *ITED*, the ADMINISTRATION MANUALS for the 4th and 8th grade Proficiency Examinations in Writing, the ADMINISTRATION MANUALS for the criterion-referenced tests, and the ADMINISTRATION MANUAL(S) for the Nevada High School Proficiency Examinations, as appropriate for grade levels in his/her school; Chapter 389 of the Nevada Administrative Code; Chapter 389 of the Nevada Revised Statutes; and other manuals and guidelines published by the Department of Education and/or its contractors.
2. The school administrator shall adopt and enforce a plan setting forth procedures to ensure the security of all state-mandated tests.
3. Ensure that all personnel involved in the administration of examinations in the Nevada Proficiency Examination Program are annually trained in the requirements for test administration and security as detailed in the TEST SECURITY PROCEDURES FOR NEVADA PROFICIENCY EXAMINATION: 2004-2005.
4. Accept personal responsibility for all materials required for the administration of the Nevada Proficiency Examinations and the supervision of the administration and security of those examinations.
5. Provide secure locked storage for all testing materials while on site.
6. Immediately report any suspected irregularity in test administration or test security to the Nevada Department of Education Administrative Assistant for Test Security (775-687-9188).

School administrator name and e-mail: _____

Grade span: _____ District number*: _____ School number*: _____

*** To ensure prompt return of your school's test results, your district and school numbers MUST be bubbled correctly on all test answer documents submitted for scoring.**

Physical address: _____ Mailing address: _____

_____ _____

Office telephone: _____ FAX number: _____

If administrator is not available, contact: _____

Title: _____ E-mail: _____

Signature of school administrator: _____ Date: _____

The school administrator **MUST** submit by no later than September 15th of each year, a copy of the school's test security plan and the signed **ORIGINAL** copy of this form to the Nevada Department of Education Office of Assessment, Program Accountability, and Curriculum. The pink copy shall be retained in the school office.

FAILURE TO COMPLY WITH THE GUIDELINES AND PROCDDURES OUTLINED IN NEVADA REVISED STATUTES, NEVADA ADMINSTRATIVE CODE, AND THE MANUALS REFERENCED IN PARAGRAPHS 1 AND 2 OF THIS FORM MAY RESULT IN REVOCATION OF YOUR SCHOOL'S PRIVILEGE TO PARTICIPATE IN THE NEVADA PROFICIENCY EXAMINATION PROGRAM.

Outline of Requirements for Test Administration and Security of the Nevada Proficiency Examination Program (NPEP)[1]

1. All educational personnel involved in the administration of NPEP examinations must be trained annually in the instructions regarding preparation for testing, handling test materials, and test security for those tests that will be administered in their school.

2. Each individual who is involved with the administration of NPEP examinations will acknowledge in writing that he/she has read and understands all information provided by the school district related to proper test security and test administration, and understands the potential consequences for failure to comply with the state and district test security plans.

3. Locked secure storage must be provided for all secure test materials, including test booklets, writing prompts, answer keys and completed answer sheets, while the materials are on site.

4. The locked room or file cabinet used for the storage of secure materials required for the Nevada Proficiency Examination Program must not be accessible to anyone other than the principal or test coordinator, nor can it be used for the storage of other materials to which individuals other than the principal or test coordinator require access.

5. Examinations must not be distributed to those who will administer the test until the prescribed date for test administration.

6. Knowledge or review of actual test content is not necessary for valid test administration and is strictly prohibited.

7. Under no circumstances shall copies of test booklets, writing prompts, or student responses be circulated among faculty, administrators, or other persons.

8. Examination booklets may not be copied or reproduced by any means without the prior written authorization of the test publisher and the Nevada Department of Education.

9. Administration of a NPEP examination to a person who is not eligible to take that examination is an unauthorized disclosure of test content.

10. A log identifying the serial numbers of test booklets must be maintained for each transfer of the test booklets from one individual to another (including distribution to students).

11. At least one test administrator and a sufficient number of proctors must be provided at the testing site to adequately supervise the testing. A ratio of one proctor to not more than 30 students is strongly recommended.

12. At no time should students be left unattended with test materials.

13. All required materials, e.g., #2 pencils, test booklets, answer documents, and scratch paper must be provided at the testing location.

14. Additional materials, beyond those specified in test administration instructions, or approved by an IEP committee, must not be provided to students for use during a test administration.

15. The class test administrator must account for all test materials, including test booklets, writing prompts, student responses, and other test materials, including scratch paper, before a student is allowed to leave the testing area for any reason.

16. On completion of testing, test administrators must return testing materials to the test coordinator in a timely manner and not later than the end of the school day on which the test(s) is/are administered. If testing will take place over a period of more than one day, all testing materials must be returned to the school test coordinator at the end of each school day and picked up again in the morning of the next testing day, unless otherwise specified in the administration manual.

[1] This outline provides a **summary** of test administration and test security requirements. It is imperative that all guidelines and procedures be strictly adhered to.

APPENDIX L – REGISTRATION FORM FOR HOME-SCHOOLED STUDENTS

REGISTRATION FORM FOR HIGH SCHOOL PROFICIENCY EXAMINATION FOR HOME-SCHOOLED STUDENTS

Nevada Department of Education
Assessment, Program Accountability, and Curriculum
Room 107
700 E. Fifth Street
Carson City, NV 89701

Registration Form for High School Proficiency Examination For Home-Schooled Students

_____
Date

_____ _____ _____ ____/____/____
Student Last Name First Name MI Date of Birth

Student Grade _____Sophomore _____Junior _____Senior

Indicate requested test subject and date of testing (See Testing Calendar for available dates)

_____Writing _____ _____
Test Date Test Location

_____Reading _____ _____
Test Date Test Location

_____Mathematics _____ _____
Test Date Test Location

_____Science _____ _____
Test Date Test Location

As the parent/legal guardian of this student, I am providing my assurance that the student meets the eligibility requirements for participation in the Nevada High School Proficiency Examination Program pursuant to Nevada Revised Statute (NRSS 389.015-017). Failure to comply with the rules and policies or falsifying information on this form may result in disqualification of Nevada Proficiency Testing eligibility.

_____ _____
Print Name of Parent/Legal Guardian Signature of Parent/Legal Guardian

_____ _____ _____
District Administrator Title Date

**Districts should maintain this form in their files.*

***Reminder: On the date of testing, the student must present the appropriate photo-identification with name at the testing location*

APPENDIX M – WHISTLEBLOWER PROTECTION

PROTECTION OF SCHOOL DISTRICT PERSONNEL WITH REGARD TO THE DISCLOSURE OF TESTING IRREGULARITIES

PROTECTION OF SCHOOL DISTRICT PERSONNEL WITH REGARD TO THE DISCLOSURE OF TESTING IRREGULARITIES

Nevada Revised Statutes (NRS) 391.600 through 391.648 provide for specific rights and responsibilities of school district personnel with regard to the disclosure of irregularities in testing administration and testing security relative to all state and district-mandated examinations. NRS 391.644 also requires the Department to annually submit a written summary of these rights and responsibilities to the board of trustees of each school district and to the governing body of each charter school.

Definitions

- "Examination" means:

    - Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550 which includes:
        1) High School Proficiency Examination in Reading, Mathematics, Science, and Writing;
        2) Norm-referenced testing for students in grades 4, 7, 10 (*Iowa Tests of Basic Skills and Iowa Tests of Educational Development*);
        3) Criterion-referenced testing for students in grades 3, 5, and 8;
        4) Writing Examination in grades 4 and 8.

    - Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis

- "Irregularity in testing administration" means the failure to administer an examination in the manner intended by the person or entity that created the examination.

- "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:
    - The failure to comply with the department or district security procedures.
    - The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law.
    - Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

- "Reprisal or retaliatory action" is action that is taken because the school official disclosed information concerning testing irregularities and includes, without limitation:
    - Frequent or undesirable changes in the location of an office;
    - Frequent or undesirable transfers or reassignments;
    - The issuance of letters of reprimand, letters of admonition or evaluations of poor performance;
    - A demotion;
    - A reduction in pay;
    - The denial of a promotion;
    - A suspension;
    - A dismissal;
    - A transfer; or
    - Frequent changes in working hours or workdays.

- "School official" means:
    - A member of a board of trustees of a school district;
    - A member of a governing body of a charter school; or
    - A licensed or unlicensed person employed by the board of trustees of a school district or the governing body of a charter school.

Rights and Responsibilities

- School officials are encouraged to disclose testing irregularities, and it is the intent of the legislature to protect the rights of a school official who makes such a disclosure.

- A school official shall not directly or indirectly use or attempt to use his official authority or influence to intimidate, threaten, coerce, command, or influence another school official in an effort to interfere with or prevent the disclosure of information concerning testing irregularities. "Official authority or influence" includes taking, directing others to take, recommending, processing or approving any personnel action such as an appointment, promotion, transfer, assignment, reassignment, reinstatement, restoration, reemployment, evaluation or other disciplinary action.

- If reprisal or retaliatory action is taken against a school official who discloses information concerning testing irregularities within 2 years after the information is disclosed, the school official may file a written appeal with the state board for a hearing on the matter and determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that specifies:
    - The facts and circumstances leading to the disclosure of information concerning testing irregularities; and
    - The reprisal or retaliatory action that is alleged to have been taken against the school official.

- The state board may issue a subpoena to compel the attendance or testimony of any witness or the production of any materials needed as part of the appeal investigation.

- If the state board determines that the action taken was a reprisal or retaliatory action, it may issue an order directing the proper person to desist and refrain from engaging in such action.

- The state board may not rule against the school official based on the identity of the person or persons to whom the information concerning testing irregularities was disclosed.

- No school official may use the provisions outlined in this summary to harass another school official.

- A person who willfully discloses untruthful information concerning testing irregularities:
    - Is guilty of a misdemeanor; and
    - Is subject to appropriate disciplinary action.

- These provisions do not apply to offenses committed before July 1, 2001.

- **Upon receipt of this summary, the board of trustees or governing body shall provide a copy of the written summary to all school officials within the school district or charter school.**

APPENDIX N – GROUNDS FOR EMPLOYMENT AND LICENSE PENALTIES

NEVADA REVISED STATUTES 391.312 AND 391.330

NRS 391.312 Grounds for suspension, demotion, dismissal and refusal to reemploy teachers and administrators; consideration of evaluations and standards of performance.

1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:
(a) Inefficiency;
(b) Immorality;
(c) Unprofessional conduct;
(d) Insubordination;
(e) Neglect of duty;
(f) Physical or mental incapacity;
(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;
(h) Conviction of a felony or of a crime involving moral turpitude;
(i) Inadequate performance;
(j) Evident unfitness for service;
(k) Failure to comply with such reasonable requirements as a board may prescribe;
(l) Failure to show normal improvement and evidence of professional training and growth;
(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;
(n) Any cause which constitutes grounds for the revocation of a teacher's license;
(o) Willful neglect or failure to observe and carry out the requirements of this Title;
(p) Dishonesty;
(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015;
(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620; or
(s) An intentional violation of NRS 388.5265 or 388.527.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

NRS 391.330 Grounds for suspension or revocation of license. The state board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:
1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the state board, the commission or the superintendent of public instruction, defining and governing the duties of teachers, administrators and other licensed employees.
8. **Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.**
9. **Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620.**
10. An intentional violation of NRS 388.5265 or 388.527.

APPENDIX O – REPORT OF TEST IRREGULARITY

REPORT OF TEST IRREGULARITY IN THE NEVADA PROFICIENCY EXAMINATION PROGRAM

Report of Test Irregularity in the Nevada Proficiency Examination Program

2004-2005 School Year

This report must be completed within 14 days of the incident in which the test irregularity has occurred. A copy of this report is to be **filed with the Test Director in your school district,** who must immediately forward a copy of the report to Carol Mason at the Nevada Department of Education.

Address: 700 East Fifth Street, Room 108, Carson City, NV 89701
E-mail: cmason@doe.nv.gov Fax: 775-687-9118

For more information, contact Kim Knudson (775-687-9184) or Carol Mason (775-687-9188) at the Nevada Department of Education.

School: _____ District: _____ Date: _____

Name of School Principal: _____ Phone #: _____

Name of Person Completing Form: _____ Phone #: _____

Title: _____ Date of Incident: _____

Indicate the Test(s) for Which the Test Irregularity Occurred:

HSPE MATH:

☐ GRADE 10 ☐ GRADE 11 ☐ GRADE 12 ☐ ADULT

HSPE READING:

☐ GRADE 10 ☐ GRADE 11 ☐ GRADE 12 ☐ ADULT

HSPE WRITING:

☐ GRADE 11 ☐ GRADE 12 ☐ ADULT

CRT:

☐ GRADE 3 ☐ GRADE 4 ☐ GRADE 5

CRT (CONT'D):

☐ GRADE 6 ☐ GRADE 7 ☐ GRADE 8

ITBS/ITED:

☐ GRADE 4 ☐ GRADE 7 ☐ GRADE 10

WRITING:

☐ GRADE 4 ☐ GRADE 8

OTHER. PLEASE DESCRIBE: _____

1. Provide a narrative description of the test irregularity and how it occurred. ***(Attach additional pages as necessary.)***

2. Indicate the names and positions of the individual(s) who were primarily responsible for the test irregularity.

3. What is your best estimate of the damage to the Nevada Proficiency Examination Program that will or could result from this test irregularity?

4. Do the guidelines for test security contained in the *Test Security Procedures for Nevada Proficiency Examinations*; *Guidelines for the Nevada Proficiency Examination Program;* or other guidelines distributed by the State Department of Education contain provisions that should have prevented this test irregularity?

If "Yes", which guideline(s) was/were not followed?

5. What action has been taken to help ensure against <u>future</u> test irregularities in your school?

6. Please provide your recommendation with regard to any further appropriate action that might be taken with regard to this incident.

APPENDIX P – DISTRICT AND SCHOOL CODES