
SENATE BILL NO. 1—COMMITTEE OF THE WHOLE

JUNE 6, 2003

Referred to Committee of the Whole

SUMMARY—Makes various changes governing education to facilitate implementation of federal No Child Left Behind Act of 2001. (BDR 34-0008)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Contains Appropriation not included in Executive Budget.

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

AN ACT relating to education; requiring the State Board of Education to define the measurement for determining whether this state, each school district and each public school has made adequate yearly progress in accordance with the federal No Child Left Behind Act of 2001; requiring the State Board to prepare an annual report of accountability; requiring the State Board, each school district and each public school to develop a plan to improve the achievement of pupils; revising provisions governing the designations of public schools; requiring the Department of Education to designate school districts based upon the achievement of pupils enrolled in the school district; prescribing the consequences for public schools and school districts that are designated as demonstrating need for improvement; revising provisions governing accountability and reporting; revising provisions governing the examinations that are administered to pupils in public schools; revising provisions governing the qualifications required of certain teachers and paraprofessionals to comply with the federal No Child Left Behind Act of 2001; revising provisions governing the regional training programs for the professional development of teachers and administrators and the Statewide Council for the Coordination of the



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Regional Training Programs; making appropriations; revising various other provisions governing education to comply with the federal No Child Left Behind Act of 2001; and providing other matters properly relating thereto.

1 WHEREAS, In 1997, the Nevada Legislature adopted the Nevada
2 Education Reform Act which set forth a sound structure of
3 accountability for the public schools in the State of Nevada; and

4 WHEREAS, Since the enactment of the Nevada Education
5 Reform Act of 1997, this state has implemented sweeping reforms
6 to its system of public education, including, without limitation, the
7 adoption of rigorous academic standards of content and performance
8 that demand a high level of quality and performance by pupils and
9 the provision of professional development for teachers and
10 administrators to help pupils meet the challenging new standards;
11 and

12 WHEREAS, On January 8, 2002, the President of the United
13 States signed into law the No Child Left Behind Act of 2001, which
14 contained sweeping changes to the Elementary and Secondary
15 Education Act of 1965; and

16 WHEREAS, The No Child Left Behind Act requires each state to
17 have a single, statewide system of accountability applicable to all
18 pupils, challenging academic content standards and periodic
19 examinations on those challenging academic standards so that all
20 children, including, without limitation, children with disabilities,
21 children who are limited English proficient, children who are
22 economically disadvantaged and children from major racial and
23 ethnic groups will meet or exceed, not later than 2014, the minimum
24 level of proficiency on the examinations; and

25 WHEREAS, Although certain provisions of the No Child Left
26 Behind Act pertain only to those school districts and public schools,
27 including, without limitation, charter schools, receiving money
28 pursuant to that federal law, the Nevada Legislature acknowledges
29 that by applying some of those provisions statewide to all school
30 districts and all public schools, including, without limitation, charter
31 schools, Nevada's system of accountability will be further
32 strengthened; and

33 WHEREAS, While the Nevada Education Reform Act of 1997
34 made a significant contribution toward accomplishing the system of
35 accountability required by the No Child Left Behind Act of 2001,
36 the Nevada Legislature recognizes that there is a need for further
37 reform to ensure that the State of Nevada fully complies with the No
38 Child Left Behind Act; and



1 WHEREAS, The Nevada Education Reform Act of 1997 provides
2 a sound cornerstone from which to launch a new era of
3 accountability in this state; now, therefore,

4
5 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
6 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
7

8 **Section 1.** Chapter 385 of NRS is hereby amended by adding
9 thereto the provisions set forth as sections 2 to 40, inclusive, of this
10 act.

11 **Sec. 2.** *“Title I school” means a public school that receives*
12 *money pursuant to the No Child Left Behind Act of 2001, 20*
13 *U.S.C. §§ 6301 et seq., and is obligated to comply with the*
14 *provisions of that federal law.*

15 **Sec. 3.** *“Title I school district” means a school district that*
16 *receives money pursuant to the No Child Left Behind Act of 2001,*
17 *20 U.S.C. §§ 6301 et seq., and is obligated to comply with the*
18 *provisions of that federal law.*

19 **Sec. 4.** *The provisions of sections 2 to 40, inclusive, of this*
20 *act do not supersede, negate or otherwise limit the effect or*
21 *application of the provisions of chapters 288 and 391 of NRS or*
22 *the rights, remedies and procedures afforded to employees of a*
23 *school district under the terms of collective bargaining*
24 *agreements, memoranda of understanding or other such*
25 *agreements between employees and their employers.*

26 **Sec. 5. 1.** *The State Board shall define the measurement*
27 *for determining whether each public school, each school district*
28 *and this state are making adequate yearly progress. The definition*
29 *of adequate yearly progress must:*

30 *(a) Comply with 20 U.S.C. § 6311(b)(2) and the regulations*
31 *adopted pursuant thereto;*

32 *(b) Be designed to ensure that all pupils will meet or exceed*
33 *the minimum level of proficiency set by the State Board, including,*
34 *without limitation:*

35 *(1) Pupils who are economically disadvantaged, as defined*
36 *by the State Board;*

37 *(2) Pupils from major racial and ethnic groups, as defined*
38 *by the State Board;*

39 *(3) Pupils with disabilities; and*

40 *(4) Pupils who are limited English proficient;*

41 *(c) Be based primarily upon the measurement of progress of*
42 *pupils on the examinations administered pursuant to NRS 389.550*
43 *or the high school proficiency examination, as applicable;*



1 (d) *Include annual measurable objectives established pursuant*
2 *to 20 U.S.C. § 6311(b)(2)(G) and the regulations adopted pursuant*
3 *thereto;*

4 (e) *For high schools, include the rate of graduation; and*

5 (f) *For elementary schools, junior high schools and middle*
6 *schools, include the rate of attendance.*

7 2. *The examination in science must not be included in the*
8 *definition of adequate yearly progress.*

9 3. *The State Board shall prescribe, by regulation, the*
10 *consequences or sanctions, or both, that apply to a public school*
11 *that is not a Title I school and that has been designated as*
12 *demonstrating need for improvement for 4 consecutive years or*
13 *more. In no event may the consequences or sanctions be more*
14 *strict than the restructuring that applies to Title I schools.*

15 **Sec. 6.** *The State Board shall adopt regulations that*
16 *prescribe the criteria to be used for designating:*

17 1. *Public schools that do not satisfy the criteria for*
18 *demonstrating adequate achievement or need for improvement:*

19 (a) *As demonstrating exemplary achievement.*

20 (b) *As demonstrating high achievement.*

21 2. *School districts that do not satisfy the criteria for*
22 *demonstrating adequate achievement or need for improvement:*

23 (a) *As demonstrating exemplary achievement.*

24 (b) *As demonstrating high achievement.*

25 **Sec. 7.** 1. *The State Board shall adopt regulations that*
26 *prescribe, consistent with 20 U.S.C. §§ 6301 et seq. and the*
27 *regulations adopted pursuant thereto, the manner in which pupils*
28 *enrolled in:*

29 (a) *A program of distance education pursuant to NRS 388.820*
30 *to 388.874, inclusive;*

31 (b) *An alternative program for the education of pupils at risk*
32 *of dropping out of high school; or*

33 (c) *A program of education that:*

34 (1) *Primarily serves pupils with disabilities; or*

35 (2) *Is operated within a:*

36 (I) *Youth training center;*

37 (II) *Youth center;*

38 (III) *Juvenile forestry camp;*

39 (IV) *Detention home;*

40 (V) *Youth camp;*

41 (VI) *Juvenile correctional institution;*

42 (VII) *Child welfare agency; or*

43 (VIII) *Correctional institution,*

44 *will be included within the statewide system of accountability set*
45 *forth in sections 2 to 40, inclusive, of this act.*



1 2. The regulations adopted pursuant to subsection 1 must
2 also set forth the manner in which:

3 (a) The progress of pupils enrolled in a program of distance
4 education, an alternative program or a program of education
5 described in subsection 1 will be accounted for within the
6 statewide system of accountability; and

7 (b) The results of pupils enrolled in a program of distance
8 education, an alternative program or a program of education
9 described in subsection 1 on the examinations administered
10 pursuant to NRS 389.015 and 389.550 will be reported.

11 **Sec. 8. 1.** The State Board shall prepare an annual report
12 of accountability that includes, without limitation:

13 (a) Information on the achievement of all pupils based upon
14 the results of the examinations administered pursuant to NRS
15 389.015 and 389.550, reported for each school district, including,
16 without limitation, each charter school in the district, and for this
17 state as a whole.

18 (b) Except as otherwise provided in subsection 2, pupil
19 achievement, reported separately by gender and reported
20 separately for the following subgroups of pupils:

21 (1) Pupils who are economically disadvantaged, as defined
22 by the State Board;

23 (2) Pupils from major racial and ethnic groups, as defined
24 by the State Board;

25 (3) Pupils with disabilities;

26 (4) Pupils who are limited English proficient; and

27 (5) Pupils who are migratory children, as defined by the
28 State Board.

29 (c) A comparison of the achievement of pupils in each
30 subgroup identified in paragraph (b) of subsection 1 of section 5
31 of this act with the annual measurable objectives of the State
32 Board.

33 (d) The percentage of all pupils who were not tested, reported
34 for each school district, including, without limitation, each charter
35 school in the district, and for this state as a whole.

36 (e) Except as otherwise provided in subsection 2, the
37 percentage of pupils who were not tested, reported separately by
38 gender and reported separately for the subgroups identified in
39 paragraph (b).

40 (f) The most recent 3-year trend in the achievement of pupils
41 in each subject area tested and each grade level tested pursuant to
42 NRS 389.015 and 389.550, reported for each school district,
43 including, without limitation, each charter school in the district,
44 and for this state as a whole, which may include information



1 *regarding the trend in the achievement of pupils for more than 3*
2 *years, if such information is available.*

3 *(g) Information on whether each school district has made*
4 *adequate yearly progress, including, without limitation, the name*
5 *of each school district, if any, designated as demonstrating need*
6 *for improvement pursuant to section 35 of this act and the number*
7 *of consecutive years that the school district has carried that*
8 *designation.*

9 *(h) Information on whether each public school, including,*
10 *without limitation, each charter school, has made adequate yearly*
11 *progress, including, without limitation, the name of each public*
12 *school, if any, designated as demonstrating need for improvement*
13 *pursuant to section 16 of this act and the number of consecutive*
14 *years that the school has carried that designation.*

15 *(i) Information on the results of pupils who participated in the*
16 *examinations of the National Assessment of Educational Progress*
17 *required pursuant to NRS 389.012.*

18 *(j) The ratio of pupils to teachers in kindergarten and at each*
19 *grade level for all elementary schools, reported for each school*
20 *district, including, without limitation, each charter school in the*
21 *district, and for this state as a whole, and the average class size for*
22 *each core academic subject, as set forth in NRS 389.018, for each*
23 *secondary school, reported for each school district and for this*
24 *state as a whole.*

25 *(k) For each school district, including, without limitation, each*
26 *charter school in the district, and for this state as a whole,*
27 *information on the professional qualifications of teachers*
28 *employed by the school districts and charter schools, including,*
29 *without limitation:*

30 *(1) The percentage of teachers who are:*

31 *(I) Providing instruction pursuant to NRS 391.125;*

32 *(II) Providing instruction pursuant to a waiver of the*
33 *requirements for licensure for the grade level or subject area in*
34 *which the teachers are employed; or*

35 *(III) Otherwise providing instruction without an*
36 *endorsement for the subject area in which the teachers are*
37 *employed;*

38 *(2) The percentage of classes in the core academic subjects,*
39 *as set forth in NRS 389.018, in this state that are not taught by*
40 *highly qualified teachers; and*

41 *(3) The percentage of classes in the core academic subjects,*
42 *as set forth in NRS 389.018, in this state that are not taught by*
43 *highly qualified teachers, in the aggregate and disaggregated by*
44 *high-poverty compared to low-poverty schools, which for the*



1 *purposes of this subparagraph, means schools in the top quartile*
2 *of poverty and the bottom quartile of poverty in this state.*

3 *(l) The total expenditure per pupil for each school district in*
4 *this state, including, without limitation, each charter school in the*
5 *district. If this state has a financial analysis program that is*
6 *designed to track educational expenditures and revenues to*
7 *individual schools, the State Board shall use that statewide*
8 *program in complying with this paragraph. If a statewide program*
9 *is not available, the State Board shall use the Department's own*
10 *financial analysis program in complying with this paragraph.*

11 *(m) The total statewide expenditure per pupil. If this state has*
12 *a financial analysis program that is designed to track educational*
13 *expenditures and revenues to individual schools, the State Board*
14 *shall use that statewide program in complying with this*
15 *paragraph. If a statewide program is not available, the State Board*
16 *shall use the Department's own financial analysis program in*
17 *complying with this paragraph.*

18 *(n) For all elementary schools, junior high schools and middle*
19 *schools, the rate of attendance, reported for each school district,*
20 *including, without limitation, each charter school in the district,*
21 *and for this state as a whole.*

22 *(o) The annual rate of pupils who drop out of school in grades*
23 *9 to 12, inclusive, reported for each school district, including,*
24 *without limitation, each charter school in the district, and for this*
25 *state as a whole, excluding pupils who:*

26 *(1) Provide proof to the school district of successful*
27 *completion of the examinations of general educational*
28 *development.*

29 *(2) Are enrolled in courses that are approved by the*
30 *Department as meeting the requirements for an adult standard*
31 *diploma.*

32 *(3) Withdraw from school to attend another school.*

33 *(p) The attendance of teachers who provide instruction,*
34 *reported for each school district, including, without limitation,*
35 *each charter school in the district, and for this state as a whole.*

36 *(q) Incidents involving weapons or violence, reported for each*
37 *school district, including, without limitation, each charter school*
38 *in the district, and for this state as a whole.*

39 *(r) Incidents involving the use or possession of alcoholic*
40 *beverages or controlled substances, reported for each school*
41 *district, including, without limitation, each charter school in the*
42 *district, and for this state as a whole.*

43 *(s) The suspension and expulsion of pupils required or*
44 *authorized pursuant to NRS 392.466 and 392.467, reported for*



1 *each school district, including, without limitation, each charter*
2 *school in the district, and for this state as a whole.*

3 (t) *The number of pupils who are deemed habitual disciplinary*
4 *problems pursuant to NRS 392.4655, reported for each school*
5 *district, including, without limitation, each charter school in the*
6 *district, and for this state as a whole.*

7 (u) *The number of pupils in each grade who are retained in*
8 *the same grade pursuant to NRS 392.033 or 392.125, reported for*
9 *each school district, including, without limitation, each charter*
10 *school in the district, and for this state as a whole.*

11 (v) *The transiency rate of pupils, reported for each school*
12 *district, including, without limitation, each charter school in the*
13 *district, and for this state as a whole. For the purposes of this*
14 *paragraph, a pupil is not a transient if he is transferred to a*
15 *different school within the school district as a result of a change in*
16 *the zone of attendance by the board of trustees of the school*
17 *district pursuant to NRS 388.040.*

18 (w) *Each source of funding for this state to be used for the*
19 *system of public education.*

20 (x) *The amount and sources of money received by this state for*
21 *remedial education.*

22 (y) *The percentage of pupils who graduated from a high*
23 *school or charter school in the immediately preceding year and*
24 *enrolled in remedial courses in reading, writing or mathematics at*
25 *a university or community college within the University and*
26 *Community College System of Nevada, reported for each school*
27 *district, including, without limitation, each charter school in the*
28 *district, and for this state as a whole.*

29 (z) *The technological facilities and equipment available for*
30 *educational purposes, reported for each school district, including,*
31 *without limitation, each charter school in the district, and for this*
32 *state as a whole.*

33 (aa) *For each school district, including, without limitation,*
34 *each charter school in the district, and for this state as a whole,*
35 *the number and percentage of pupils who received:*

36 (1) *A standard high school diploma.*

37 (2) *An adjusted diploma.*

38 (3) *A certificate of attendance.*

39 (bb) *The number and percentage of pupils who did not receive*
40 *a high school diploma because the pupils failed to pass the high*
41 *school proficiency examination, reported for each school district,*
42 *including, without limitation, each charter school in the district,*
43 *and for this state as a whole.*

44 (cc) *The number of habitual truants who are reported to a*
45 *school police officer or local law enforcement agency pursuant to*



1 *paragraph (a) of subsection 2 of NRS 392.144 and the number of*
2 *habitual truants who are referred to an advisory board to review*
3 *school attendance pursuant to paragraph (b) of subsection 2 of*
4 *NRS 392.144, reported for each school district, including, without*
5 *limitation, each charter school in the district, and for this state as*
6 *a whole.*

7 *(dd) Information on the paraprofessionals employed at public*
8 *schools in this state, including, without limitation, the charter*
9 *schools in this state. The information must include:*

10 *(1) The number of paraprofessionals employed, reported*
11 *for each school district, including, without limitation, each charter*
12 *school in the district, and for this state as a whole; and*

13 *(2) For each school district, including, without limitation,*
14 *each charter school in the district, and for this state as a whole,*
15 *the number and percentage of all paraprofessionals who do not*
16 *satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The*
17 *reporting requirements of this subparagraph apply to*
18 *paraprofessionals who are employed in programs supported with*
19 *Title I money and to paraprofessionals who are not employed in*
20 *programs supported with Title I money.*

21 *(ee) An identification of appropriations made by the*
22 *Legislature to improve the academic achievement of pupils and*
23 *programs approved by the Legislature to improve the academic*
24 *achievement of pupils.*

25 *2. A separate reporting for a subgroup of pupils must not be*
26 *made pursuant to this section if the number of pupils in that*
27 *subgroup is insufficient to yield statistically reliable information*
28 *or the results would reveal personally identifiable information*
29 *about an individual pupil. The State Board shall prescribe a*
30 *mechanism for determining the minimum number of pupils that*
31 *must be in a subgroup for that subgroup to yield statistically*
32 *reliable information.*

33 *3. The annual report of accountability must:*

34 *(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations*
35 *adopted pursuant thereto;*

36 *(b) Be prepared in a concise manner; and*

37 *(c) Be presented in an understandable and uniform format*
38 *and, to the extent practicable, provided in a language that parents*
39 *can understand.*

40 *4. On or before September 1 of each year, the State Board*
41 *shall provide for public dissemination of the annual report of*
42 *accountability and submit a copy of the report to the:*

43 *(a) Governor;*

44 *(b) Committee;*

45 *(c) Bureau;*



- 1 (d) *Board of Regents of the University of Nevada;*
2 (e) *Board of trustees of each school district; and*
3 (f) *Governing body of each charter school.*
4 5. *As used in this section:*
5 (a) *“Highly qualified” has the meaning ascribed to it in 20*
6 *U.S.C. § 7801(23).*
7 (b) *“Paraprofessional” has the meaning ascribed to it in*
8 *section 73 of this act.*
9 **Sec. 9. 1. The State Board shall prepare a plan to improve**
10 **the achievement of pupils enrolled in the public schools in this**
11 **state. The plan:**
12 (a) *Must be prepared in consultation with:*
13 (1) *Employees of the Department;*
14 (2) *At least one employee of a school district in a county*
15 *whose population is 100,000 or more, appointed by the Nevada*
16 *School Boards Association;*
17 (3) *At least one employee of a school district in a county*
18 *whose population is less than 100,000, appointed by the Nevada*
19 *School Boards Association; and*
20 (4) *At least one representative of the Statewide Council for*
21 *the Coordination of the Regional Training Programs created by*
22 *NRS 391.516, appointed by the Council; and*
23 (b) *May be prepared in consultation with:*
24 (1) *Representatives of institutions of higher education;*
25 (2) *Representatives of regional educational laboratories;*
26 (3) *Representatives of outside consultant groups;*
27 (4) *Representatives of the regional training programs for*
28 *the professional development of teachers and administrators*
29 *established pursuant to NRS 391.512;*
30 (5) *The Bureau; and*
31 (6) *Other persons who the State Board determines are*
32 *appropriate.*
33 2. *A plan to improve the achievement of pupils enrolled in*
34 *public schools in this state must include:*
35 (a) *A review and analysis of the data upon which the report*
36 *required pursuant to section 8 of this act is based and a review and*
37 *analysis of any data that is more recent than the data upon which*
38 *the report is based.*
39 (b) *The identification of any problems or factors common*
40 *among the school districts or charter schools in this state, as*
41 *revealed by the review and analysis.*
42 (c) *Strategies based upon scientifically based research, as*
43 *defined in 20 U.S.C. § 7801(37), that will strengthen the core*
44 *academic subjects, as set forth in NRS 389.018.*



- 1 (d) *Strategies to improve the academic achievement of pupils*
2 *enrolled in public schools in this state, including, without*
3 *limitation, strategies to:*
4 (1) *Instruct pupils who are not achieving to their fullest*
5 *potential;*
6 (2) *Increase the rate of attendance of pupils and reduce the*
7 *number of pupils who drop out of school;*
8 (3) *Integrate technology into the instructional and*
9 *administrative programs of the school districts;*
10 (4) *Manage effectively the discipline of pupils; and*
11 (5) *Enhance the professional development offered for the*
12 *teachers and administrators employed at public schools in this*
13 *state to include the activities set forth in 20 U.S.C. § 7801(34), as*
14 *deemed appropriate by the State Board.*
15 (e) *Strategies designed to provide to the pupils enrolled in*
16 *middle school, junior high school and high school, the teachers*
17 *and counselors who provide instruction to those pupils, and the*
18 *parents and guardians of those pupils information concerning:*
19 (1) *The requirements for admission to an institution of*
20 *higher education and the opportunities for financial aid;*
21 (2) *The availability of millennium scholarships pursuant to*
22 *NRS 396.911 to 396.938, inclusive; and*
23 (3) *The need for a pupil to make informed decisions about*
24 *his curriculum in middle school, junior high school and high*
25 *school in preparation for success after graduation.*
26 (f) *An identification, by category, of the employees of the*
27 *Department who are responsible for ensuring that each provision*
28 *of the plan is carried out effectively.*
29 (g) *For each provision of the plan, a timeline for carrying out*
30 *that provision, including, without limitation, a timeline for*
31 *monitoring whether the provision is carried out effectively.*
32 (h) *For each provision of the plan, measurable criteria for*
33 *determining whether the provision has contributed toward*
34 *improving the academic achievement of pupils, increasing the rate*
35 *of attendance of pupils and reducing the number of pupils who*
36 *drop out of school.*
37 (i) *Strategies to improve the allocation of resources from this*
38 *state, by program and by school district, in a manner that will*
39 *improve the academic achievement of pupils. If this state has a*
40 *financial analysis program that is designed to track educational*
41 *expenditures and revenues to individual schools, the State Board*
42 *shall use that statewide program in complying with this*
43 *paragraph. If a statewide program is not available, the State Board*
44 *shall use the Department's own financial analysis program in*
45 *complying with this paragraph.*



1 (j) *Based upon the reallocation of resources set forth in*
2 *paragraph (i), the resources available to the State Board and the*
3 *Department to carry out the plan.*

4 (k) *A summary of the effectiveness of appropriations made by*
5 *the Legislature to improve the academic achievement of pupils*
6 *and programs approved by the Legislature to improve the*
7 *academic achievement of pupils.*

8 3. *The State Board shall:*

9 (a) *Review the plan prepared pursuant to this section annually*
10 *to evaluate the effectiveness of the plan; and*

11 (b) *Based upon the evaluation of the plan, make revisions, as*
12 *necessary, to ensure that the plan is designed to improve the*
13 *academic achievement of pupils enrolled in public schools in this*
14 *state.*

15 4. *On or before December 15 of each year, the State Board*
16 *shall submit the plan or the revised plan, as applicable, to the:*

17 (a) *Governor;*

18 (b) *Committee;*

19 (c) *Bureau;*

20 (d) *Board of Regents of the University of Nevada;*

21 (e) *Council to Establish Academic Standards for Public*
22 *Schools created by NRS 389.510;*

23 (f) *Board of trustees of each school district; and*

24 (g) *Governing body of each charter school.*

25 **Sec. 10. 1.** *The board of trustees of each school district*
26 *shall, in consultation with the employees of the school district,*
27 *prepare a plan to improve the achievement of pupils enrolled in*
28 *the school district, excluding pupils who are enrolled in charter*
29 *schools located in the school district. If the school district is a Title*
30 *I school district designated as demonstrating need for*
31 *improvement pursuant to section 35 of this act, the plan must also*
32 *be prepared in consultation with parents and guardians of pupils*
33 *enrolled in the school district and other persons who the board of*
34 *trustees determines are appropriate.*

35 2. *Except as otherwise provided in this subsection, the plan*
36 *must include the items set forth in 20 U.S.C. § 6316(c)(7) and the*
37 *regulations adopted pursuant thereto. If a school district has not*
38 *been designated as demonstrating need for improvement pursuant*
39 *to section 35 of this act, the board of trustees of the school district*
40 *is not required to include those items set forth in 20 U.S.C. §*
41 *6316(c)(7) and the regulations adopted pursuant thereto that*
42 *directly relate to the status of a school district as needing*
43 *improvement.*



1 3. *In addition to the requirements of subsection 2, a plan to*
2 *improve the achievement of pupils enrolled in a school district*
3 *must include:*

4 (a) *A review and analysis of the data upon which the report*
5 *required pursuant to subsection 2 of NRS 385.347 is based and a*
6 *review and analysis of any data that is more recent than the data*
7 *upon which the report is based.*

8 (b) *The identification of any problems or factors at individual*
9 *schools that are revealed by the review and analysis.*

10 (c) *Strategies based upon scientifically based research, as*
11 *defined in 20 U.S.C. § 7801(37), that will strengthen the core*
12 *academic subjects, as set forth in NRS 389.018.*

13 (d) *Strategies to improve the academic achievement of pupils*
14 *enrolled in the school district including, without limitation,*
15 *strategies to:*

16 (1) *Instruct pupils who are not achieving to their fullest*
17 *potential;*

18 (2) *Increase the rate of attendance of pupils and reduce the*
19 *number of pupils who drop out of school;*

20 (3) *Integrate technology into the instructional and*
21 *administrative programs of the school district;*

22 (4) *Manage effectively the discipline of pupils; and*

23 (5) *Enhance the professional development offered for the*
24 *teachers and administrators employed by the school district to*
25 *include the activities set forth in 20 U.S.C. § 7801(34), as deemed*
26 *appropriate by the board of trustees of the school district.*

27 (e) *An identification, by category, of the employees of the*
28 *school district who are responsible for ensuring that each*
29 *provision of the plan is carried out effectively.*

30 (f) *In consultation with the Department, an identification, by*
31 *category, of the employees of the Department, if any, who are*
32 *responsible for overseeing and monitoring whether the plan is*
33 *carried out effectively.*

34 (g) *For each provision of the plan, a timeline for carrying out*
35 *that provision, including, without limitation, a timeline for*
36 *monitoring whether the provision is carried out effectively.*

37 (h) *For each provision of the plan, measurable criteria for*
38 *determining whether the provision has contributed toward*
39 *improving the academic achievement of pupils, increasing the rate*
40 *of attendance of pupils and reducing the number of pupils who*
41 *drop out of school.*

42 (i) *Strategies to improve the allocation of resources from the*
43 *school district, by program and by school, in a manner that will*
44 *improve the academic achievement of pupils. If this state has a*
45 *financial analysis program that is designed to track educational*



1 *expenditures and revenues to individual schools, each school*
2 *district shall use that statewide program in complying with this*
3 *paragraph. If a statewide program is not available, each school*
4 *district shall use its own financial analysis program in complying*
5 *with this paragraph.*

6 *(j) Based upon the reallocation of resources set forth in*
7 *paragraph (i), the resources available to the school district to carry*
8 *out the plan.*

9 *(k) A summary of the effectiveness of appropriations made by*
10 *the Legislature that are available to the school district or the*
11 *schools within the school district to improve the academic*
12 *achievement of pupils and programs approved by the Legislature*
13 *to improve the academic achievement of pupils.*

14 *4. The board of trustees of each school district shall:*

15 *(a) Review the plan prepared pursuant to this section annually*
16 *to evaluate the effectiveness of the plan; and*

17 *(b) Based upon the evaluation of the plan, make revisions, as*
18 *necessary, to ensure that the plan is designed to improve the*
19 *academic achievement of pupils enrolled in the school district.*

20 *5. On or before December 15 of each year, the board of*
21 *trustees of each school district shall submit the plan or the revised*
22 *plan, as applicable, to the:*

23 *(a) Superintendent of Public Instruction;*

24 *(b) Governor;*

25 *(c) State Board;*

26 *(d) Department;*

27 *(e) Committee; and*

28 *(f) Bureau.*

29 **Sec. 11. 1.** *The principal of each school, including, without*
30 *limitation, each charter school, shall, in consultation with the*
31 *employees of the school, prepare a plan to improve the*
32 *achievement of the pupils enrolled in the school.*

33 *2. The plan developed pursuant to subsection 1 must include:*

34 *(a) A review and analysis of the data pertaining to the school*
35 *upon which the report required pursuant to subsection 2 of NRS*
36 *385.347 is based and a review and analysis of any data that is*
37 *more recent than the data upon which the report is based.*

38 *(b) The identification of any problems or factors at the school*
39 *that are revealed by the review and analysis.*

40 *(c) Strategies based upon scientifically based research, as*
41 *defined in 20 U.S.C. § 7801(37), that will strengthen the core*
42 *academic subjects, as defined in NRS 389.018.*

43 *(d) Policies and practices concerning the core academic*
44 *subjects which have the greatest likelihood of ensuring that each*
45 *subgroup of pupils identified in paragraph (b) of subsection 1 of*



1 *section 5 of this act who are enrolled in the school will make*
2 *adequate yearly progress and meet the minimum level of*
3 *proficiency prescribed by the State Board.*

4 *(e) Annual measurable objectives, consistent with the annual*
5 *measurable objectives established by the State Board pursuant to*
6 *section 5 of this act, for the continuous and substantial progress*
7 *by each subgroup of pupils identified in paragraph (b) of*
8 *subsection 1 of that section who are enrolled in the school to*
9 *ensure that each subgroup will make adequate yearly progress and*
10 *meet the level of proficiency prescribed by the State Board.*

11 *(f) Strategies, consistent with the policy adopted pursuant to*
12 *NRS 392.457 by the board of trustees of the school district in*
13 *which the school is located, to promote effective involvement by*
14 *parents and families of pupils enrolled in the school in the*
15 *education of their children.*

16 *(g) As appropriate, programs of remedial education or tutoring*
17 *to be offered before and after school, during the summer, or*
18 *between sessions if the school operates on a year-round calendar*
19 *for pupils enrolled in the school who need additional instructional*
20 *time to pass or to reach a level considered proficient.*

21 *(h) Strategies to improve the academic achievement of pupils*
22 *enrolled in the school, including, without limitation, strategies to:*

23 *(1) Instruct pupils who are not achieving to their fullest*
24 *potential;*

25 *(2) Increase the rate of attendance of pupils and reduce the*
26 *number of pupils who drop out of school;*

27 *(3) Integrate technology into the instructional and*
28 *administrative programs of the school;*

29 *(4) Manage effectively the discipline of pupils; and*

30 *(5) Enhance the professional development offered for the*
31 *teachers and administrators employed at the school to include the*
32 *activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate*
33 *by the principal and other persons and entities responsible for the*
34 *development of the plan.*

35 *(i) An identification, by category, of the employees of the*
36 *school who are responsible for ensuring that the plan is carried*
37 *out effectively.*

38 *(j) In consultation with the school district or governing body,*
39 *as applicable, an identification, by category, of the employees of*
40 *the school district or governing body, if any, who are responsible*
41 *for ensuring that the plan is carried out effectively or for*
42 *overseeing and monitoring whether the plan is carried out*
43 *effectively.*

44 *(k) In consultation with the Department, an identification, by*
45 *category, of the employees of the Department, if any, who are*



1 *responsible for overseeing and monitoring whether the plan is*
2 *carried out effectively.*

3 *(l) For each provision of the plan, a timeline for carrying out*
4 *that provision, including, without limitation, a timeline for*
5 *monitoring whether the provision is carried out effectively.*

6 *(m) For each provision of the plan, measurable criteria for*
7 *determining whether the provision has contributed toward*
8 *improving the academic achievement of pupils, increasing the rate*
9 *of attendance of pupils and reducing the number of pupils who*
10 *drop out of school.*

11 *(n) The resources available to the school to carry out the plan.*
12 *If this state has a financial analysis program that is designed to*
13 *track educational expenditures and revenues to individual schools,*
14 *each school shall use that statewide program in complying with*
15 *this paragraph. If a statewide program is not available, each*
16 *school shall use the financial analysis program used by the school*
17 *district in which the school is located in complying with this*
18 *paragraph.*

19 *(o) A summary of the effectiveness of appropriations made by*
20 *the Legislature that are available to the school to improve the*
21 *academic achievement of pupils and programs approved by the*
22 *Legislature to improve the academic achievement of pupils.*

23 *3. In addition to the requirements of subsection 2, if a school*
24 *has been designated as demonstrating need for improvement*
25 *pursuant to section 16 of this act, the plan must comply with 20*
26 *U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.*

27 *4. Except as otherwise provided in subsection 5, the principal*
28 *of each school shall, in consultation with the employees of the*
29 *school:*

30 *(a) Review the plan prepared pursuant to this section annually*
31 *to evaluate the effectiveness of the plan; and*

32 *(b) Based upon the evaluation of the plan, make revisions, as*
33 *necessary, to ensure that the plan is designed to improve the*
34 *academic achievement of pupils enrolled in the school.*

35 *5. If a school has been designated as demonstrating need for*
36 *improvement pursuant to section 16 of this act, the technical*
37 *assistance partnership or the support team established for the*
38 *school, as applicable, shall review the plan and make revisions to*
39 *the most recent plan for improvement of the school pursuant to*
40 *section 20 or 25 of this act, as applicable. If the school is a Title I*
41 *school that has been designated as demonstrating need for*
42 *improvement, the technical assistance partnership or support team*
43 *established for the school, as applicable, shall, in making revisions*
44 *to the plan, work in consultation with parents and guardians of*
45 *pupils enrolled in the school and, to the extent deemed appropriate*



1 *by the entity responsible for creating the partnership or support*
2 *team, outside experts.*

3 6. *On or before November 1 of each year, the principal of*
4 *each school, or the technical assistance partnership or support*
5 *team established for the school, as applicable, shall submit the*
6 *plan or the revised plan, as applicable, to:*

7 (a) *If the school is a public school of the school district, the*
8 *superintendent of schools of the school district.*

9 (b) *If the school is a charter school, the governing body of the*
10 *charter school.*

11 7. *If a Title I school is designated as demonstrating need for*
12 *improvement pursuant to section 16 of this act, the superintendent*
13 *of schools of the school district or the governing body, as*
14 *applicable, shall carry out a process for peer review of the plan or*
15 *the revised plan, as applicable, in accordance with 20 U.S.C. §*
16 *6316(b)(3)(E) and the regulations adopted pursuant thereto. Not*
17 *later than 45 days after receipt of the plan, the superintendent of*
18 *schools of the school district or the governing body, as applicable,*
19 *shall approve the plan or the revised plan, as applicable, if it meets*
20 *the requirements of 20 U.S.C. § 6316(b)(3) and the regulations*
21 *adopted pursuant thereto and the requirements of this section. The*
22 *superintendent of schools of the school district or the governing*
23 *body, as applicable, may condition approval of the plan or the*
24 *revised plan, as applicable, in the manner set forth in 20 U.S.C. §*
25 *6316(b)(3)(B) and the regulations adopted pursuant thereto. The*
26 *State Board shall prescribe the requirements for the process of*
27 *peer review, including, without limitation, the qualifications of*
28 *persons who may serve as peer reviewers.*

29 8. *If a school is designated as demonstrating exemplary*
30 *achievement, high achievement or adequate achievement, or if a*
31 *school that is not a Title I school is designated as demonstrating*
32 *need for improvement, not later than 45 days after receipt of the*
33 *plan or the revised plan, as applicable, the superintendent of*
34 *schools of the school district or the governing body, as applicable,*
35 *shall approve the plan or the revised plan if it meets the*
36 *requirements of this section.*

37 9. *On or before December 15 of each year, the principal of*
38 *each school, or the technical assistance partnership or support*
39 *team established for the school, as applicable, shall submit the*
40 *final plan or the final revised plan, as applicable, to the:*

41 (a) *Superintendent of Public Instruction;*

42 (b) *Governor;*

43 (c) *State Board;*

44 (d) *Department;*

45 (e) *Committee;*



1 (f) Bureau; and
2 (g) Board of trustees of the school district in which the school
3 is located.

4 10. A plan for the improvement of a school must be carried
5 out expeditiously, but not later than January 1 after approval of
6 the plan pursuant to subsection 7 or 8, as applicable.

7 **Sec. 12.** 1. On or before June 15 of each year, the
8 Department shall determine whether each public school is making
9 adequate yearly progress, as defined by the State Board pursuant
10 to section 5 of this act. The determination for a public school,
11 including, without limitation, a charter school sponsored by the
12 board of trustees of the school district, must be made in
13 consultation with the board of trustees of the school district in
14 which the public school is located. If a charter school is sponsored
15 by the State Board, the Department shall make a determination for
16 the charter school in consultation with the State Board. The
17 determination made for each school must be based only upon the
18 information and data for those pupils who are enrolled in the
19 school for a full academic year. On or before June 15 of each
20 year, the Department shall transmit:

21 (a) Except as otherwise provided in paragraph (b), the
22 determination made for each public school to the board of trustees
23 of the school district in which the public school is located.

24 (b) To the State Board the determination made for each
25 charter school that is sponsored by the State Board.

26 2. Except as otherwise provided in this subsection, the
27 Department shall determine that a public school has failed to
28 make adequate yearly progress if any subgroup identified in
29 paragraph (b) of subsection 1 of section 5 of this act does not
30 satisfy the annual measurable objectives established by the State
31 Board pursuant to that section. To comply with 20 U.S.C. §
32 6311(b)(2)(I) and the regulations adopted pursuant thereto, the
33 State Board shall prescribe by regulation the conditions under
34 which a school shall be deemed to have made adequate yearly
35 progress even though a subgroup identified in paragraph (b) of
36 subsection 1 of section 4 of this act did not satisfy the annual
37 measurable objectives of the State Board.

38 3. In addition to the provisions of subsection 2, the
39 Department shall determine that a public school has failed to
40 make adequate yearly progress if:

41 (a) The number of pupils enrolled in the school who took the
42 examinations administered pursuant to NRS 389.550 or the high
43 school proficiency examination, as applicable, is less than 95
44 percent of all pupils enrolled in the school who were required to
45 take the examinations; or



1 (b) Except as otherwise provided in subsection 4, for each
2 subgroup of pupils identified in paragraph (b) of subsection 1 of
3 section 5 of this act, the number of pupils in the subgroup enrolled
4 in the school who took the examinations administered pursuant to
5 NRS 389.550 or the high school proficiency examination, as
6 applicable, is less than 95 percent of all pupils in that subgroup
7 enrolled in the school who were required to take the examinations.

8 4. If the number of pupils in a particular subgroup who are
9 enrolled in a public school is insufficient to yield statistically
10 reliable information:

11 (a) The Department shall not determine that the school has
12 failed to make adequate yearly progress pursuant to paragraph (b)
13 of subsection 3 based solely upon that particular subgroup.

14 (b) The pupils in such a subgroup must be included in the
15 overall count of pupils enrolled in the school who took the
16 examinations.

17 The State Board shall prescribe the mechanism for determining
18 the number of pupils that must be in a subgroup for that subgroup
19 to yield statistically reliable information.

20 5. If an irregularity in testing administration or an
21 irregularity in testing security occurs at a school and the
22 irregularity invalidates the test scores of pupils, those test scores
23 must not be included in the scores of pupils reported for the school
24 and the attendance of those pupils must not be counted towards
25 the total number of pupils who took the examinations, but must be
26 included in the total number of pupils who were required to take
27 the examinations. If the pupils take an additional administration
28 of the examinations during the same school year, the scores of
29 pupils on those examinations must not be included in the scores of
30 pupils reported for the school.

31 6. As used in this section:

32 (a) "Irregularity in testing administration" has the meaning
33 ascribed to it in NRS 389.604.

34 (b) "Irregularity in testing security" has the meaning ascribed
35 to it in NRS 389.608.

36 **Sec. 13. 1.** If a public school fails to make adequate yearly
37 progress for 1 year:

38 (a) Except as otherwise provided in paragraph (b), the board
39 of trustees of the school district in which the school is located shall
40 ensure that the school receives technical assistance in the manner
41 set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted
42 pursuant thereto. For a charter school sponsored by the school
43 district, the board of trustees shall provide the technical assistance
44 to the charter school in conjunction with the governing body of
45 the charter school.



1 **(b)** *For a charter school sponsored by the State Board, the*
2 *Department shall ensure, in conjunction with the governing body*
3 *of the charter school, that the school receives technical assistance*
4 *in the manner set forth in 20 U.S.C. § 6316(b)(4) and the*
5 *regulations adopted pursuant thereto.*

6 **2.** *If a public school fails to make adequate yearly progress*
7 *for 1 year, the principal of the school shall ensure that the plan to*
8 *improve the achievement of pupils enrolled in the school is*
9 *reviewed, revised and approved in accordance with section 11 of*
10 *this act.*

11 **Sec. 14. 1.** *Except as otherwise provided in subsection 3, if*
12 *the number of pupils enrolled in a school who took the*
13 *examinations administered pursuant to NRS 389.550 is less than*
14 *95 percent of all pupils enrolled in the school who were required*
15 *to take the examinations, the Department shall notify the school*
16 *and the school district in which the school is located that the*
17 *school is required to provide, in the same school year, for an*
18 *additional administration of examinations, as prescribed by the*
19 *State Board pursuant to subsection 2. Except as otherwise*
20 *provided in this subsection, the school district shall pay for all*
21 *costs related to the administration of the examinations pursuant to*
22 *this subsection. If a charter school is required to administer*
23 *examinations pursuant to this subsection, the charter school shall*
24 *pay for all costs related to the administration of the examinations*
25 *to pupils enrolled in the charter school.*

26 **2.** *The State Board shall prescribe by regulation the*
27 *additional examinations that a school shall administer pursuant to*
28 *subsection 1.*

29 **3.** *The Department may, for good cause shown, grant a*
30 *waiver to a school from the requirements of subsection 1.*

31 **Sec. 15.** *If the Department determines that a public school*
32 *has failed to make adequate yearly progress pursuant to*
33 *subsection 3 of section 12 of this act:*

34 **1.** *The Department or its designee shall, to the extent money*
35 *is available, monitor at the school the administration of the*
36 *examinations that are required pursuant to NRS 389.550 and*
37 *ensure that all eligible pupils who are in attendance on the day of*
38 *the administration of the examinations are given an opportunity to*
39 *take the examinations until the percentage of pupils who take the*
40 *examinations is 95 percent or more of all pupils enrolled in the*
41 *school who are required to take the examinations.*

42 **2.** *The school is not required to adopt a program of remedial*
43 *study pursuant to NRS 385.389 and is not eligible to receive*
44 *money for remedial programs made available by legislative*
45 *appropriation for the purposes of NRS 385.389.*



1 **Sec. 16. 1.** *Except as otherwise provided in paragraph (b)*
2 *of subsection 4, a school must be designated as demonstrating*
3 *exemplary achievement if the school:*

4 *(a) Makes adequate yearly progress, as determined by the*
5 *Department pursuant to section 12 of this act; and*

6 *(b) Satisfies the requirements of the State Board prescribed*
7 *pursuant to section 6 of this act.*

8 **2.** *Except as otherwise provided in paragraph (b) of*
9 *subsection 4, a school must be designated as demonstrating high*
10 *achievement if the school:*

11 *(a) Makes adequate yearly progress, as determined by the*
12 *Department pursuant to section 12 of this act; and*

13 *(b) Satisfies the requirements of the State Board prescribed*
14 *pursuant to section 6 of this act.*

15 **3.** *Except as otherwise provided in paragraph (b) of*
16 *subsection 4, a school must be designated as demonstrating*
17 *adequate achievement if the school makes adequate yearly*
18 *progress, as determined by the Department pursuant to section 12*
19 *of this act.*

20 **4.** *A school must be designated as demonstrating need for*
21 *improvement if the school:*

22 *(a) Fails to make adequate yearly progress, as determined by*
23 *the Department pursuant to section 12 of this act; or*

24 *(b) The school makes adequate yearly progress, as determined*
25 *by the Department pursuant to section 12 of this act, but was*
26 *designated as demonstrating need for improvement pursuant to*
27 *paragraph (a) in the immediately preceding year for failing to*
28 *make adequate yearly progress.*

29 *The initial designation of a school as demonstrating need for*
30 *improvement must be based upon 2 consecutive years of data and*
31 *information for that school.*

32 **5.** *If a public school is designated as demonstrating need for*
33 *improvement pursuant to paragraph (a) of subsection 4, the*
34 *designation of the school as demonstrating need for improvement*
35 *must not be removed until the school has made adequate yearly*
36 *progress for 2 consecutive years.*

37 **Sec. 17. 1.** *Based upon the information received from the*
38 *Department pursuant to section 12 of this act, the board of trustees*
39 *of each school district shall designate, on or before July 1 of each*
40 *year, each public school in the school district in accordance with*
41 *section 16 of this act, excluding charter schools sponsored by the*
42 *State Board. The board of trustees shall make designations for all*
43 *charter schools that are sponsored by the board of trustees. The*
44 *Department shall make designations for all charter schools that*
45 *are sponsored by the State Board. The initial designation of a*



1 *school as demonstrating need for improvement must be based*
2 *upon 2 consecutive years of data and information for that school.*

3 *2. If the board of trustees of a school district or the*
4 *Department, as applicable, determines that a public school is*
5 *demonstrating need for improvement, the board of trustees or the*
6 *Department shall issue a preliminary designation for that school*
7 *on or before July 1. Before making a final designation for the*
8 *school, the board of trustees of the school district or the*
9 *Department, as applicable, shall provide the school an opportunity*
10 *to review the data upon which the proposed designation is based*
11 *and to present evidence in the manner set forth in 20 U.S.C. §*
12 *6316(b)(2) and the regulations adopted pursuant thereto. If the*
13 *school is a public school of the school district or a charter school*
14 *sponsored by the board of trustees, the board of trustees of the*
15 *school district shall, in consultation with the Department, make a*
16 *final determination concerning the designation for the school on*
17 *August 1. If the school is a charter school sponsored by the State*
18 *Board, the Department shall make a final determination*
19 *concerning the designation for the school on August 1.*

20 *3. On or before August 1 of each year, the Department shall*
21 *provide written notice of the determinations made pursuant to*
22 *section 12 of this act and the designations made pursuant to this*
23 *section as follows:*

24 *(a) The determinations and designations made for all schools*
25 *in this state to the:*

- 26 *(1) Governor;*
- 27 *(2) State Board;*
- 28 *(3) Committee; and*
- 29 *(4) Bureau.*

30 *(b) The determinations and designations made for all schools*
31 *within a school district to the:*

- 32 *(1) Superintendent of schools of the school district; and*
- 33 *(2) Board of trustees of the school district.*

34 *(c) The determination and designation made for each school to*
35 *the principal of the school.*

36 **Sec. 18. 1. If a public school is designated as**
37 **demonstrating need for improvement pursuant to section 16 of this**
38 **act and the provisions of section 21, 23 or 29 of this act do not**
39 **apply, the technical assistance partnership established for the**
40 **school pursuant to this section shall carry out the requirements of**
41 **section 20 of this act.**

42 **2. Except as otherwise provided in subsection 3, if a public**
43 **school is designated as demonstrating need for improvement**
44 **pursuant to section 16 of this act and the provisions of section 21,**



1 23 or 29 of this act do not apply, the board of trustees of the school
2 district shall:

3 (a) Provide notice of the designation to the parents and
4 guardians of pupils enrolled in the school on the form prescribed
5 by the Department pursuant to section 39 of this act;

6 (b) Ensure that the school receives technical assistance in the
7 manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations
8 adopted pursuant thereto; and

9 (c) Establish a technical assistance partnership for the school,
10 with the membership prescribed pursuant to section 19 of this act.

11 3. If a charter school is designated as demonstrating need for
12 improvement pursuant to section 14 of this act and the provisions
13 of section 21, 23 or 29 of this act do not apply:

14 (a) The governing body of the charter school shall:

15 (1) Provide notice of the designation to the parents and
16 guardians of pupils enrolled in the charter school on the form
17 prescribed by the Department pursuant to section 39 of this act;
18 and

19 (2) Establish a technical assistance partnership for the
20 charter school, with the membership prescribed pursuant to
21 section 19 of this act.

22 (b) For a charter school sponsored by the board of trustees of
23 a school district, the board of trustees shall, in conjunction with
24 the governing body of the charter school, ensure that the charter
25 school receives technical assistance in the manner set forth in 20
26 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.
27 The provisions of this paragraph do not require the school district
28 to pay for the technical assistance partnership established by the
29 governing body of the charter school.

30 (c) For a charter school sponsored by the State Board, the
31 Department shall, in conjunction with the governing body of the
32 charter school, ensure that the charter school receives technical
33 assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and
34 the regulations adopted pursuant thereto.

35 4. In addition to the requirements of subsection 2 or 3, as
36 applicable, if a Title I school is designated as demonstrating need
37 for improvement pursuant to section 16 of this act and the
38 provisions of section 21, 23 or 29 of this act do not apply:

39 (a) Except as otherwise provided in paragraph (b), the board
40 of trustees of the school district shall provide school choice to the
41 parents and guardians of pupils enrolled in the school, including,
42 without limitation, a charter school sponsored by the school
43 district, in accordance with 20 U.S.C. § 6316(b)(1) and the
44 regulations adopted pursuant thereto.



1 (b) *For a charter school sponsored by the State Board, the*
2 *Department shall work cooperatively with the board of trustees of*
3 *the school district in which the charter school is located to provide*
4 *school choice to the parents and guardians of pupils enrolled in*
5 *the charter school in accordance with 20 U.S.C. § 6316(b)(1) and*
6 *the regulations adopted pursuant thereto.*

7 **Sec. 19. 1.** *The membership of each technical assistance*
8 *partnership established by the board of trustees of a school district*
9 *for a public school pursuant to section 18 of this act:*

10 (a) *Must consist of:*

11 (1) *At least one employee of the public school for which the*
12 *partnership is established; and*

13 (2) *At least one representative of the school district.*

14 (b) *May consist of other persons, as determined by the board of*
15 *trustees, in accordance with the needs of the school based upon*
16 *the data and information pertaining to that school.*

17 2. *The membership of each technical assistance partnership*
18 *established by the governing body of a charter school:*

19 (a) *Must consist of:*

20 (1) *At least one employee of the charter school;*

21 (2) *At least one member of the governing body of the*
22 *charter school;*

23 (3) *For a charter school sponsored by the board of trustees*
24 *of the school district, at least one representative of the school*
25 *district, appointed by the school district; and*

26 (4) *For a charter school sponsored by the State Board, at*
27 *least one representative of the Department, appointed by the*
28 *Department.*

29 (b) *May consist of other persons, as determined by the*
30 *governing body, in accordance with the needs of the charter*
31 *school based upon the data and information pertaining to that*
32 *charter school.*

33 **Sec. 20. 1.** *Each technical assistance partnership*
34 *established for a public school shall complete a form prescribed by*
35 *the Department pursuant to this section or an expanded form, if*
36 *applicable, that includes:*

37 (a) *A review and analysis of the operation of the school,*
38 *including, without limitation, the design and operation of the*
39 *instructional program of the school;*

40 (b) *A review and analysis of the data pertaining to the school*
41 *based upon the report required pursuant to subsection 2 of NRS*
42 *385.347 and a review and analysis of any data that is more recent;*

43 (c) *A review of the most recent plan to improve the*
44 *achievement of the school's pupils; and*



- 1 (d) *An identification of the problems and factors at the school*
2 *that contributed to the designation of the school as demonstrating*
3 *need for improvement.*
- 4 2. *Each technical assistance partnership established for a*
5 *public school shall:*
- 6 (a) *Assist the school in developing recommendations for*
7 *improving the performance of pupils who are enrolled in the*
8 *school; and*
- 9 (b) *Adopt, in consultation with the employees of the school,*
10 *written revisions to the most recent plan to improve the*
11 *achievement of the school's pupils for approval pursuant to*
12 *section 11 of this act. The written revisions must:*
- 13 (1) *Include the data and findings of the technical assistance*
14 *partnership that provide support for the revisions;*
- 15 (2) *If the school is a Title I school, be developed in*
16 *consultation with parents and guardians of pupils enrolled in the*
17 *school and, to the extent deemed appropriate by the entity that*
18 *created the technical assistance partnership, outside experts;*
- 19 (3) *Set forth a timeline to carry out the revisions;*
- 20 (4) *Set forth priorities for the school in carrying out the*
21 *revisions; and*
- 22 (5) *Set forth the duties of each person who is responsible*
23 *for carrying out the revisions.*
- 24 3. *On or before November 1 of each year, each technical*
25 *assistance partnership shall submit the form completed pursuant*
26 *to subsection 1 to the:*
- 27 (a) *Department;*
- 28 (b) *Bureau;*
- 29 (c) *Board of trustees of the school district or governing body of*
30 *the charter school, as applicable; and*
- 31 (d) *Principal of the school.*
- 32 4. *The Department shall, in consultation with the Bureau:*
- 33 (a) *Prescribe a form that contains the basic information for a*
34 *technical assistance partnership to carry out its duties pursuant to*
35 *subsection 1; and*
- 36 (b) *Make the form available on a computer disc for use by*
37 *technical assistance partnerships and, upon request, in any other*
38 *manner deemed reasonable by the Department.*
- 39 5. *Except as otherwise provided in this subsection, each*
40 *technical assistance partnership shall use the form prescribed by*
41 *the Department to carry out its duties pursuant to subsection 1. A*
42 *school district or governing body of a charter school may prescribe*
43 *an expanded form that contains additions to the form prescribed*
44 *by the Department if the basic information contained in the*



1 *expanded form complies with the form prescribed by the*
2 *Department.*

3 **Sec. 21.** 1. *If a public school is designated as*
4 *demonstrating need for improvement pursuant to section 16 of this*
5 *act for 2 consecutive years, the technical assistance partnership*
6 *established for the school pursuant to section 18 of this act shall*
7 *carry out the requirements of section 20 of this act.*

8 2. *Except as otherwise provided in subsection 3, if a public*
9 *school is designated as demonstrating need for improvement*
10 *pursuant to section 16 of this act for 2 consecutive years, the*
11 *board of trustees of the school district shall:*

12 (a) *Provide notice of the designation to the parents and*
13 *guardians of pupils enrolled in the school on the form prescribed*
14 *by the Department pursuant to section 39 of this act;*

15 (b) *Ensure that the school receives technical assistance in the*
16 *manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
17 *adopted pursuant thereto; and*

18 (c) *Continue the technical assistance partnership for the*
19 *school.*

20 3. *If a charter school is designated as demonstrating need for*
21 *improvement pursuant to section 16 of this act for 2 consecutive*
22 *years:*

23 (a) *The governing body of the charter school shall:*

24 (1) *Provide notice of the designation to the parents and*
25 *guardians of pupils enrolled in the school on the form prescribed*
26 *by the Department pursuant to section 39 of this act; and*

27 (2) *Continue the technical assistance partnership for the*
28 *school.*

29 (b) *For a charter school sponsored by the board of trustees of*
30 *a school district, the board of trustees shall, in conjunction with*
31 *the governing body of the charter school, ensure that the charter*
32 *school receives technical assistance in the manner set forth in 20*
33 *U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*
34 *The provisions of this paragraph do not require the school district*
35 *to pay for the technical assistance partnership established by the*
36 *governing body of the charter school.*

37 (c) *For a charter school sponsored by the State Board, the*
38 *Department shall, in conjunction with the governing body of the*
39 *charter school, ensure that the charter school receives technical*
40 *assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and*
41 *the regulations adopted pursuant thereto.*

42 **Sec. 22.** 1. *In addition to the requirements of section 21 of*
43 *this act, if a Title I school is designated as demonstrating need for*
44 *improvement pursuant to section 16 of this act for 2 consecutive*
45 *years for failing to make adequate yearly progress:*



1 (a) *Except as otherwise provided in paragraph (b), the board*
2 *of trustees of the school district shall:*

3 (1) *Provide school choice to the parents and guardians of*
4 *pupils enrolled in the school in accordance with 20 U.S.C. §*
5 *6316(b)(1) and the regulations adopted pursuant thereto.*

6 (2) *Except as otherwise provided in subsection 2, provide*
7 *supplemental educational services in accordance with 20 U.S.C. §*
8 *6316(e) and the regulations adopted pursuant thereto from a*
9 *provider approved pursuant to section 40 of this act, unless a*
10 *waiver is granted pursuant to that provision of federal law.*

11 (b) *If the school is a charter school:*

12 (1) *Sponsored by the board of trustees of a school district,*
13 *the board of trustees shall provide school choice to the parents and*
14 *guardians of pupils enrolled in the school in accordance with 20*
15 *U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.*

16 (2) *Sponsored by the State Board, the Department shall*
17 *work cooperatively with the board of trustees of the school district*
18 *in which the charter school is located to provide school choice to*
19 *the parents and guardians of pupils enrolled in the charter school*
20 *in accordance with 20 U.S.C. § 6316(b)(1) and the regulations*
21 *adopted pursuant thereto.*

22 (3) *Except as otherwise provided in subsection 3, the*
23 *governing body of the charter school shall provide supplemental*
24 *educational services in accordance with 20 U.S.C. § 6316(e) and*
25 *the regulations adopted pursuant thereto from a provider approved*
26 *pursuant to section 40 of this act, unless a waiver is granted*
27 *pursuant to that provision of federal law.*

28 2. *The board of trustees of a school district shall grant a*
29 *delay from the imposition of supplemental educational services for*
30 *a school for a period not to exceed 1 year if the school qualifies for*
31 *a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails*
32 *to make adequate yearly progress during the period of the delay,*
33 *the provisions of section 23 of this act apply to the school as if the*
34 *delay never occurred.*

35 3. *The sponsor of a charter school shall grant a delay from*
36 *the imposition of supplemental educational services for the charter*
37 *school for a period not to exceed 1 year if the charter school*
38 *qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the*
39 *charter school fails to make adequate yearly progress during the*
40 *period of the delay, the provisions of section 23 of this act apply to*
41 *the charter school as if the delay never occurred.*

42 **Sec. 23.** *1. If a public school is designated as*
43 *demonstrating need for improvement pursuant to section 16 of this*
44 *act for 3 consecutive years, the support team established for the*



1 *school pursuant to this section shall carry out the requirements of*
2 *sections 25 and 26 of this act.*

3 2. *Except as otherwise provided in subsection 3, if a public*
4 *school is designated as demonstrating need for improvement*
5 *pursuant to section 16 of this act for 3 consecutive years:*

6 (a) *The board of trustees of the school district shall:*

7 (1) *Provide notice of the designation to the parents and*
8 *guardians of pupils enrolled in the school on the form prescribed*
9 *by the Department pursuant to section 39 of this act; and*

10 (2) *Ensure that the school receives technical assistance in*
11 *the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
12 *adopted pursuant thereto.*

13 (b) *The Department shall establish a support team for the*
14 *school, with the membership prescribed pursuant to section 24 of*
15 *this act.*

16 3. *If a charter school is designated as demonstrating need for*
17 *improvement pursuant to section 16 of this act for 3 consecutive*
18 *years:*

19 (a) *The governing body of the charter school shall provide*
20 *notice of the designation to the parents and guardians of pupils*
21 *enrolled in the charter school on the form prescribed by the*
22 *Department pursuant to section 39 of this act.*

23 (b) *For a charter school sponsored by the board of trustees of*
24 *a school district, the board of trustees shall, in conjunction with*
25 *the governing body of the charter school, ensure that the charter*
26 *school receives technical assistance in the manner set forth in 20*
27 *U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

28 (c) *For a charter school sponsored by the State Board, the*
29 *Department shall, in conjunction with the governing body of the*
30 *charter school, ensure that the charter school receives technical*
31 *assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and*
32 *the regulations adopted pursuant thereto.*

33 (d) *The Department shall establish a support team for the*
34 *school, with the membership prescribed pursuant to section 24 of*
35 *this act.*

36 **Sec. 24.** *The membership of each support team established*
37 *pursuant to section 23 of this act:*

38 1. *Must consist of, without limitation:*

39 (a) *Teachers and principals who are considered highly*
40 *qualified and who are not employees of the public school for*
41 *which the support team is established;*

42 (b) *At least one representative of the Department;*

43 (c) *Except for a charter school, at least one administrator at*
44 *the district level who is employed by the board of trustees of the*
45 *school district;*



1 (d) *At least one parent or guardian of a pupil who is enrolled*
2 *in the public school for which the support team is established; and*
3 (e) *In addition to the requirements of paragraphs (a) to (d),*
4 *inclusive, for a charter school:*

5 (1) *At least one member of the governing body of the*
6 *charter school, regardless of the sponsor of the charter school;*
7 *and*

8 (2) *If the charter school is sponsored by the board of*
9 *trustees of a school district, at least one employee of the school*
10 *district, which may include an administrator.*

11 2. *May consist of, without limitation:*

12 (a) *Except for a charter school, one or more members of the*
13 *board of trustees of the school district in which the school is*
14 *located;*

15 (b) *Representatives of institutions of higher education;*

16 (c) *Representatives of regional educational laboratories;*

17 (d) *Representatives of outside consultant groups;*

18 (e) *Representatives of the regional training program for the*
19 *professional development of teachers and administrators*
20 *established pursuant to NRS 391.512 that provides services to the*
21 *school district in which the school is located;*

22 (f) *The Bureau; and*

23 (g) *Other persons who the Department determines are*
24 *appropriate.*

25 **Sec. 25.** *Each support team established for a public school*
26 *pursuant to section 23 of this act shall:*

27 1. *Review and analyze the operation of the school, including,*
28 *without limitation, the design and operation of the instructional*
29 *program of the school.*

30 2. *Review and analyze the data pertaining to the school upon*
31 *which the report required pursuant to subsection 2 of NRS*
32 *385.347 is based and review and analyze any data that is more*
33 *recent than the data upon which the report is based.*

34 3. *Review the most recent plan to improve the achievement of*
35 *the school's pupils.*

36 4. *Identify and investigate the problems and factors at the*
37 *school that contributed to the designation of the school as*
38 *demonstrating need for improvement.*

39 5. *Assist the school in developing recommendations for*
40 *improving the performance of pupils who are enrolled in the*
41 *school.*

42 6. *Except as otherwise provided in this paragraph, make*
43 *recommendations to the board of trustees of the school district, the*
44 *State Board and the Department concerning additional assistance*
45 *for the school in carrying out the plan for improvement of the*



1 *school. For a charter school sponsored by the State Board, the*
2 *support team shall make the recommendations to the State Board*
3 *and the Department.*

4 *7. In accordance with its findings pursuant to this subsection*
5 *and section 26 of this act, submit, on or before November 1,*
6 *written revisions to the most recent plan to improve the*
7 *achievement of the school's pupils for approval pursuant to*
8 *section 11 of this act. The written revisions must:*

9 *(a) Comply with section 11 of this act;*

10 *(b) If the school is a Title I school, be developed in*
11 *consultation with parents and guardians of pupils enrolled in the*
12 *school and, to the extent deemed appropriate by the entity that*
13 *created the support team, outside experts;*

14 *(c) Include the data and findings of the support team that*
15 *provide support for the revisions;*

16 *(d) Set forth goals and objectives for the school that are:*

17 *(1) Designed to improve the achievement of the school's*
18 *pupils;*

19 *(2) Specific;*

20 *(3) Measurable; and*

21 *(4) Conducive to reliable evaluation;*

22 *(e) Set forth a timeline to carry out the revisions;*

23 *(f) Set forth priorities for the school in carrying out the*
24 *revisions; and*

25 *(g) Set forth the duties of each person who is responsible for*
26 *carrying out the revisions.*

27 *8. Except as otherwise provided in this subsection, work*
28 *cooperatively with the board of trustees of the school district in*
29 *which the school is located, the employees of the school, and the*
30 *parents and guardians of pupils enrolled in the school to carry out*
31 *and monitor the plan for improvement of the school. If a charter*
32 *school is sponsored by the State Board, the Department shall assist*
33 *the school with carrying out and monitoring the plan for*
34 *improvement of the school.*

35 *9. In addition to the requirements of this section, if the*
36 *support team is established for a Title I school, carry out the*
37 *requirements of 20 U.S.C. § 6317(a)(5).*

38 **Sec. 26.** *1. In addition to the duties prescribed in section 25*
39 *of this act, a support team established for a school shall prepare*
40 *an annual written report that includes:*

41 *(a) Information concerning the most recent plan to improve*
42 *the achievement of the school's pupils, including, without*
43 *limitation, an evaluation of:*

44 *(1) The appropriateness of the plan for the school; and*



- 1 (2) Whether the school has achieved the goals and
2 objectives set forth in the plan;
3 (b) The written revisions to the plan to improve the
4 achievement of the school's pupils submitted by the support team
5 pursuant to section 25 of this act;
6 (c) A summary of each program for remediation, if any,
7 purchased for the school with money that is available from the
8 Federal Government, this state and the school district in which the
9 school is located, including, without limitation:
10 (1) The name of the program;
11 (2) The date on which the program was purchased and the
12 date on which the program was carried out by the school;
13 (3) The percentage of personnel at the school who were
14 trained regarding the use of the program;
15 (4) The satisfaction of the personnel at the school with the
16 program; and
17 (5) An evaluation of whether the program has improved the
18 academic achievement of the pupils enrolled in the school who
19 participated in the program;
20 (d) An analysis of the problems and factors at the school
21 which contributed to the designation of the school as
22 demonstrating need for improvement, including, without
23 limitation, issues relating to:
24 (1) The financial resources of the school;
25 (2) The administrative and educational personnel of the
26 school;
27 (3) The curriculum of the school;
28 (4) The facilities available at the school, including the
29 availability and accessibility of educational technology; and
30 (5) Any other factors that the support team believes
31 contributed to the designation of the school as demonstrating need
32 for improvement; and
33 (e) Other information concerning the school, including,
34 without limitation:
35 (1) The results of the pupils who are enrolled in the school
36 on the examinations that are administered pursuant to NRS
37 389.550 or the high school proficiency examination, as applicable;
38 (2) Records of the attendance and truancy of pupils who
39 are enrolled in the school;
40 (3) The transiency rate of pupils who are enrolled in the
41 school;
42 (4) A description of the number of years that each teacher
43 has provided instruction at the school and the rate of turnover of
44 teachers and other educational personnel employed at the school;



1 (5) *A description of the participation of parents and legal*
2 *guardians in the educational process and other activities relating*
3 *to the school;*

4 (6) *A description of each source of money for the*
5 *remediation of pupils who are enrolled in the school; and*

6 (7) *A description of the disciplinary problems of the pupils*
7 *who are enrolled in the school, including, without limitation, the*
8 *information contained in paragraphs (k) to (n), inclusive, of*
9 *subsection 2 of NRS 385.347.*

10 2. *On or before November 1, the support team shall submit a*
11 *copy of the final written report to the:*

12 (a) *Principal of the school;*

13 (b) *Board of trustees of the school district in which the school*
14 *is located;*

15 (c) *Superintendent of schools of the school district in which*
16 *the school is located;*

17 (d) *Department; and*

18 (e) *Bureau.*

19 *The support team shall make the written report available, upon*
20 *request, to each parent or legal guardian of a pupil who is*
21 *enrolled in the school.*

22 **Sec. 27. 1.** *In addition to the requirements of section 23 of*
23 *this act, if a Title I school is designated as demonstrating need for*
24 *improvement pursuant to section 16 of this act for 3 consecutive*
25 *years:*

26 (a) *Except as otherwise provided in paragraph (b), the board*
27 *of trustees of the school district shall:*

28 (1) *Provide school choice to the parents and guardians of*
29 *pupils enrolled in the school in accordance with 20 U.S.C. §*
30 *6316(b)(1) and the regulations adopted pursuant thereto;*

31 (2) *Provide supplemental educational services in*
32 *accordance with 20 U.S.C. § 6316(e) and the regulations adopted*
33 *pursuant thereto from a provider approved pursuant to section 40*
34 *of this act, unless a waiver is granted pursuant to that provision of*
35 *federal law; and*

36 (3) *Except as otherwise provided in subsection 2, take*
37 *corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the*
38 *regulations adopted pursuant thereto.*

39 (b) *If the school is a charter school:*

40 (1) *Sponsored by the board of trustees of a school district,*
41 *the board of trustees shall:*

42 (1) *Provide school choice to the parents and guardians*
43 *of pupils enrolled in the charter school in accordance with 20*
44 *U.S.C. § 6316(b)(1); and*



1 (ii) Except as otherwise provided in subsection 3, take
2 corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the
3 regulations adopted pursuant thereto.

4 (2) Sponsored by the State Board, the Department shall:

5 (i) Work cooperatively with the board of trustees of the
6 school district in which the charter school is located to provide
7 school choice to the parents and guardians of pupils enrolled in
8 the school in accordance with 20 U.S.C. § 6316(b)(1) and the
9 regulations adopted pursuant thereto; and

10 (ii) Except as otherwise provided in subsection 3, take
11 corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the
12 regulations adopted pursuant thereto.

13 (3) Regardless of the sponsor, the governing body of the
14 charter school shall provide supplemental educational services in
15 accordance with 20 U.S.C. § 6316(e) and the regulations adopted
16 pursuant thereto from a provider approved pursuant to section 40
17 of this act, unless a waiver is granted pursuant to that provision of
18 federal law.

19 2. The board of trustees of a school district shall grant a
20 delay from the imposition of corrective action for a school for a
21 period not to exceed 1 year if the school qualifies for a delay
22 pursuant to 20 U.S.C. 6316(b)(7)(D). If the school fails to make
23 adequate yearly progress during the period of the delay, the
24 provisions of section 29 of this act apply as if the delay never
25 occurred.

26 3. The sponsor of a charter school shall grant a delay from
27 the imposition of corrective action for the charter school for a
28 period not to exceed 1 year if the charter school qualifies for a
29 delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the charter school
30 fails to make adequate yearly progress during the period of the
31 delay, the provisions of section 29 of this act apply as if the delay
32 never occurred.

33 **Sec. 28.** 1. Except as otherwise provided in subsection 2, if
34 a public school that is not a Title I school is designated as
35 demonstrating need for improvement pursuant to section 16 of this
36 act for 3 consecutive years for failing to make adequate yearly
37 progress, the support team established for the school shall
38 consider whether corrective action is appropriate for the school. If
39 the support team determines that corrective action is appropriate,
40 the support team shall make a recommendation to the Department
41 for corrective action for the school, including, without limitation,
42 the type of corrective action that is recommended from the list of
43 corrective actions authorized pursuant to paragraphs (a), (b) and
44 (c). Regardless of whether a support team recommends corrective



1 *action for a school, the Department may take one or more of the*
2 *following corrective actions for the school:*

3 *(a) Develop and carry out a new curriculum at the school,*
4 *including the provision of appropriate professional development*
5 *relating to the new curriculum.*

6 *(b) Decrease the number of employees at the school who carry*
7 *out managerial duties.*

8 *(c) Extend the school year or the school day.*

9 *2. The Department shall grant a delay from the imposition of*
10 *corrective action for a school for a period not to exceed 1 year if*
11 *the school qualifies for a delay in the manner set forth in 20*
12 *U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly*
13 *progress during the period of the delay, the Department may*
14 *proceed with corrective action as if the delay never occurred.*

15 **Sec. 29.** *1. If a public school is designated as*
16 *demonstrating need for improvement pursuant to section 16 of this*
17 *act for 4 or more consecutive years, the support team established*
18 *for the school pursuant to section 23 of this act shall carry out the*
19 *requirements of sections 25, 26 and 28 of this act, as applicable.*

20 *2. Except as otherwise provided in subsection 3, if a public*
21 *school is designated as demonstrating need for improvement*
22 *pursuant to section 16 of this act for 4 or more consecutive years:*

23 *(a) The board of trustees of the school district shall:*

24 *(1) Provide notice of the designation to the parents and*
25 *guardians of pupils enrolled in the school on the form prescribed*
26 *by the Department pursuant to section 39 of this act; and*

27 *(2) Ensure that the school receives technical assistance in*
28 *the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations*
29 *adopted pursuant thereto.*

30 *(b) The Department shall continue a support team for the*
31 *school.*

32 *3. If a charter school is designated as demonstrating need for*
33 *improvement pursuant to section 16 of this act for 4 or more*
34 *consecutive years:*

35 *(a) The governing body of the charter school shall provide*
36 *notice of the designation to the parents and guardians of pupils*
37 *enrolled in the school on the form prescribed by the Department*
38 *pursuant to section 39 of this act.*

39 *(b) For a charter school sponsored by the board of trustees of*
40 *a school district, the board of trustees shall, in conjunction with*
41 *the governing body of the charter school, ensure that the charter*
42 *school receives technical assistance in the manner set forth in 20*
43 *U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.*

44 *(c) For a charter school sponsored by the State Board, the*
45 *Department shall, in conjunction with the governing body of the*



1 *charter school, ensure that the charter school receives technical*
2 *assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and*
3 *the regulations adopted pursuant thereto.*

4 *(d) The Department shall continue a support team for the*
5 *charter school.*

6 **Sec. 30. 1.** *In addition to the requirements of section 29 of*
7 *this act, if a Title I school is designated as demonstrating need for*
8 *improvement pursuant to section 16 of this act for 4 or more*
9 *consecutive years:*

10 *(a) Except as otherwise provided in paragraph (b), the board*
11 *of trustees of the school district shall:*

12 *(1) Provide school choice to the parents and guardians of*
13 *pupils enrolled in the school in accordance with 20 U.S.C. §*
14 *6316(b)(1) and the regulations adopted pursuant thereto;*

15 *(2) Provide supplemental educational services in*
16 *accordance with 20 U.S.C. § 6316(e) and the regulations adopted*
17 *pursuant thereto from a provider approved pursuant to section 40*
18 *of this act, unless a waiver is granted pursuant to that provision of*
19 *federal law; and*

20 *(3) Except as otherwise provided in subsection 2, proceed*
21 *with a plan for restructuring the school if required by 20 U.S.C. §*
22 *6316(b)(8) and the regulations adopted pursuant thereto.*

23 *(b) If the school is a charter school:*

24 *(1) Sponsored by the board of trustees of a school district,*
25 *the board of trustees shall:*

26 *(I) Provide school choice to the parents and guardians*
27 *of pupils enrolled in the charter school in accordance with 20*
28 *U.S.C. § 6316(b)(1); and*

29 *(II) Except as otherwise provided in subsection 3,*
30 *proceed with a plan for restructuring the school if required by 20*
31 *U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.*

32 *(2) Sponsored by the State Board, the Department shall:*

33 *(I) Work cooperatively with the board of trustees of the*
34 *school district in which the charter school is located to provide*
35 *school choice to the parents and guardians of pupils enrolled in*
36 *the school in accordance with 20 U.S.C. § 6316(b)(1) and the*
37 *regulations adopted pursuant thereto; and*

38 *(II) Except as otherwise provided in subsection 3,*
39 *proceed with a plan for restructuring the school if required by 20*
40 *U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.*

41 *(3) Regardless of the sponsor, the governing body of the*
42 *charter school shall provide supplemental educational services in*
43 *accordance with 20 U.S.C. § 6316(e) and the regulations adopted*
44 *pursuant thereto from a provider approved pursuant to section 40*



1 of this act, unless a waiver is granted pursuant to that provision of
2 federal law.

3 2. The board of trustees of a school district shall grant a
4 delay from the imposition of a plan for restructuring for a school
5 for a period not to exceed 1 year if the school qualifies for a delay
6 pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make
7 adequate yearly progress during the period of the delay, the board
8 of trustees shall proceed with a plan for restructuring the school
9 as if the delay never occurred.

10 3. The sponsor of a charter school shall grant a delay from
11 the imposition of a plan for restructuring for the charter school
12 for a period not to exceed 1 year if the charter school qualifies for
13 a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter
14 school fails to make adequate yearly progress during the period of
15 the delay, the Department shall proceed with a plan for
16 restructuring the charter school as if the delay never occurred.

17 4. Before the board of trustees of a school district or the
18 Department proceeds with a plan for restructuring, the board of
19 trustees or the Department, as applicable, shall provide to the
20 administrators, teachers and other educational personnel
21 employed at that school, and parents and guardians of pupils
22 enrolled in the school:

23 (a) Notice that the board of trustees or the Department, as
24 applicable, will develop a plan for restructuring the school;

25 (b) An opportunity to comment before the plan to restructure is
26 developed; and

27 (c) An opportunity to participate in the development of the
28 plan to restructure.

29 **Sec. 31. 1.** Except as otherwise provided in subsection 2, if
30 a public school that is not a Title I school is designated as
31 demonstrating need for improvement pursuant to section 16 of this
32 act for 4 or more consecutive years for failure to make adequate
33 yearly progress, the support team for the school shall:

34 (a) If corrective action was not taken against the school
35 pursuant to section 28 of this act, consider whether corrective
36 action is appropriate for the school.

37 (b) If corrective action was taken against the school pursuant
38 to section 28 of this act, consider whether further corrective action
39 is appropriate or whether consequences or sanctions, or both, are
40 appropriate for the school.

41 Regardless of whether a support team recommends corrective
42 action or consequences or sanctions for a school, the Department
43 may take corrective action as set forth in section 28 of this act or
44 proceed with consequences or sanctions, or both, as prescribed by
45 the State Board pursuant to section 5 of this act.



1 2. *The Department shall grant a delay from the imposition of*
2 *corrective action or restructuring pursuant to this section for a*
3 *school for a period not to exceed 1 year if the school qualifies for a*
4 *delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the*
5 *school fails to make adequate yearly progress during the period of*
6 *the delay, the Department may proceed with corrective action or*
7 *with consequences or sanctions, or both, for the school, as*
8 *appropriate, as if the delay never occurred.*

9 3. *Before the Department proceeds with consequences or*
10 *sanctions, the board of trustees or the Department, as applicable,*
11 *shall provide to the administrators, teachers and other educational*
12 *personnel employed at that school, and parents and guardians of*
13 *pupils enrolled in the school:*

14 (a) *Notice that the board of trustees or the Department, as*
15 *applicable, will proceed with consequences or sancations for the*
16 *school;*

17 (b) *An opportunity to comment before the consequences or*
18 *sanctions are carried out; and*

19 (c) *An opportunity to participate in the development of the*
20 *consequences or sanctions.*

21 **Sec. 32. 1.** *If restructuring for a Title I school is required*
22 *pursuant to 20 U.S.C. § 6316(b)(8), the board of trustees of the*
23 *school district or the Department, as applicable, shall carry out a*
24 *plan for restructuring that includes:*

25 (a) *Replacing those employees at the school who contributed to*
26 *the failure of the school to make adequate yearly progress;*

27 (b) *Entering into a contract with an entity, including, without*
28 *limitation, a private management company, with a demonstrated*
29 *record of effectiveness to operate the public school;*

30 (c) *If the board of trustees is responsible for restructuring,*
31 *requesting that the Department oversee the operation of the public*
32 *school;*

33 (d) *If the Department is responsible for restructuring,*
34 *designating the Department as responsible for overseeing the*
35 *operation of the school; or*

36 (e) *Taking any other action to restructure the governance of*
37 *the school if the action is designed to improve the academic*
38 *achievement of pupils enrolled in the school and has substantial*
39 *promise of ensuring that the school makes adequate yearly*
40 *progress.*

41 2. *Before the board of trustees of a school district or the*
42 *Department takes action pursuant to subsection 1, the board of*
43 *trustees or the Department, as applicable, shall provide to the*
44 *administrators, teachers and other educational personnel*



1 *employed at that school, and the parents and guardians of pupils*
2 *enrolled in the school:*

3 *(a) Notice that a plan for restructuring will be carried out at*
4 *the school; and*

5 *(b) An opportunity to comment on the appropriate action that*
6 *should be carried out pursuant to subsection 1.*

7 **Sec. 33. 1.** *On or before July 1 of each year, the*
8 *Department shall determine whether each school district is*
9 *making adequate yearly progress, as defined by the State Board*
10 *pursuant to section 5 of this act. The pupils who are enrolled in a*
11 *charter school, if any, located within a school district must not be*
12 *included in the determination made for that school district. The*
13 *determination made for each school district must be based only*
14 *upon the information and data for those pupils who were enrolled*
15 *in the school district for a full academic year, regardless of*
16 *whether those pupils attended more than one school within the*
17 *school district for that academic year.*

18 **2.** *Except as otherwise provided in this subsection, the*
19 *Department shall determine that a school district has failed to*
20 *make adequate yearly progress if any subgroup of pupils identified*
21 *in paragraph (b) of subsection 1 of section 5 of this act who are*
22 *enrolled in the school district does not satisfy the annual*
23 *measurable objectives established by the State Board pursuant to*
24 *that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the*
25 *regulations adopted pursuant thereto, the State Board shall*
26 *prescribe by regulation the conditions under which a school*
27 *district shall be deemed to have made adequate yearly progress*
28 *even though a subgroup of pupils identified in paragraph (b) of*
29 *subsection 1 of section 5 of this act who are enrolled in the school*
30 *district did not satisfy the annual measurable objectives of the*
31 *State Board.*

32 **3.** *In addition to the provisions of subsection 2, the*
33 *Department shall determine that a school district has failed to*
34 *make adequate yearly progress if:*

35 *(a) The number of pupils enrolled in the school district who*
36 *took the examinations administered pursuant to NRS 389.550 or*
37 *the high school proficiency examination, as applicable, is less*
38 *than 95 percent of all pupils enrolled in the school district who*
39 *were required to take the examinations; or*

40 *(b) Except as otherwise provided in subsection 4, for each*
41 *subgroup of pupils identified in paragraph (b) of subsection 1 of*
42 *section 5 of this act, the number of pupils enrolled in the school*
43 *district who took the examinations administered pursuant to NRS*
44 *389.550 or the high school proficiency examination, as applicable,*



1 *is less than 95 percent of all pupils in the subgroup who were*
2 *required to take the examinations.*

3 *4. If the number of pupils in a particular subgroup who are*
4 *enrolled in a school district is insufficient to yield statistically*
5 *reliable information:*

6 *(a) The Department shall not determine that the school district*
7 *has failed to make adequate yearly progress pursuant to*
8 *paragraph (b) of subsection 3 based solely upon that particular*
9 *subgroup.*

10 *(b) The pupils in such a subgroup must be included in the*
11 *overall count of pupils enrolled in the school district who took the*
12 *examinations.*

13 *The State Board shall prescribe the mechanism for determining*
14 *the minimum number of pupils that must be in a subgroup for that*
15 *subgroup to yield statistically reliable information.*

16 **Sec. 34. 1.** *The Department shall designate, on or before*
17 *July 1 of each year, each school district pursuant to section 35 of*
18 *this act. The initial designation of a school district as*
19 *demonstrating need for improvement must be based upon 2*
20 *consecutive years of data and information for that school district.*

21 *2. If the Department determines that a school district is*
22 *demonstrating need for improvement, the Department shall issue a*
23 *preliminary designation for that school district on July 1. Before*
24 *making a final designation for a school district, the Department*
25 *shall provide the school district an opportunity to review the data*
26 *upon which the proposed designation is based and to present*
27 *evidence in the manner set forth in 20 U.S.C. § 6316(c)(5) and*
28 *the regulations adopted pursuant thereto. Not later than August 1,*
29 *the Department shall make a final determination concerning the*
30 *designation of the school district.*

31 *3. On or before August 1 of each year, the Department shall*
32 *provide written notice of the determinations made pursuant to*
33 *section 33 of this act and the final designations made pursuant to*
34 *this section as follows:*

35 *(a) The determinations made for all school districts in this*
36 *state to the:*

- 37 *(1) Governor;*
38 *(2) State Board;*
39 *(3) Committee; and*
40 *(4) Bureau.*

41 *(b) The determination made for a school district to the:*

- 42 *(1) Superintendent of schools of the school district; and*
43 *(2) Board of trustees of the school district.*

44 *4. On or before August 1 of each year, the Department shall*
45 *make public the results of the review of school districts pursuant*



1 to this section and disseminate the results to school personnel,
2 parents and guardians, pupils and members of the general public.
3 The publication and distribution must be made in the manner set
4 forth in 20 U.S.C. § 6316(c)(1) and the regulations adopted
5 pursuant thereto.

6 **Sec. 35. 1.** Except as otherwise provided in paragraph (b)
7 of subsection 4, a school district must be designated as
8 demonstrating exemplary achievement if the school district:

9 (a) Makes adequate yearly progress, as determined by the
10 Department pursuant to section 33 of this act; and

11 (b) Satisfies the requirements prescribed by the State Board
12 pursuant to section 6 of this act.

13 **2.** Except as otherwise provided in paragraph (b) of
14 subsection 4, a school district must be designated as demonstrating
15 high achievement if the school district:

16 (a) Makes adequate yearly progress, as determined by the
17 Department pursuant to section 33 of this act; and

18 (b) Satisfies the requirements of the State Board prescribed
19 pursuant to section 6 of this act.

20 **3.** Except as otherwise provided in paragraph (b) of
21 subsection 4, a school district must be designated as demonstrating
22 adequate achievement if the school district makes adequate yearly
23 progress, as determined by the Department pursuant to section 33
24 of this act.

25 **4.** A school district must be designated as demonstrating need
26 for improvement if:

27 (a) The school district fails to make adequate yearly progress,
28 as determined by the Department pursuant to section 33 of this
29 act; or

30 (b) The school district makes adequate yearly progress, as
31 determined by the Department pursuant to section 33 of this act,
32 but was designated as demonstrating need for improvement
33 pursuant to paragraph (a) in the immediately preceding year for
34 failing to make adequate yearly progress.

35 The initial designation of a school district as demonstrating need
36 for improvement must be based upon 2 consecutive years of data
37 and information for that school district.

38 **5.** If a school district is designated as demonstrating need for
39 improvement pursuant to paragraph (a) of subsection 4, the
40 designation of the school district as demonstrating need for
41 improvement must not be removed until the school district has
42 made adequate yearly progress for 2 consecutive years.

43 **Sec. 36. 1.** If a school district is designated as
44 demonstrating need for improvement pursuant to section 35 of this
45 act, the Department shall provide notice of the designation to the



1 *parents and guardians of pupils enrolled in the school district on*
2 *the form prescribed by the Department pursuant to section 39 of*
3 *this act. The State Board shall prescribe, by regulation, the time by*
4 *which such notice must be provided.*

5 2. *If a school district is designated as demonstrating need for*
6 *improvement pursuant to section 35 of this act, the Department*
7 *and any other entity authorized by the Department, including,*
8 *without limitation, the Bureau, shall provide technical assistance*
9 *to the school district in the manner set forth in 20 U.S.C. §*
10 *6316(c)(9) and the regulations adopted pursuant thereto.*

11 3. *Except as otherwise provided in section 38 of this act, after*
12 *providing technical assistance pursuant to subsection 2, the*
13 *Department may take corrective action in the manner set forth in*
14 *20 U.S.C. § 6316(c)(10) and the regulations adopted pursuant*
15 *thereto against a school district that is designated as*
16 *demonstrating need for improvement, including, without*
17 *limitation, a school district that is not a Title I school district.*

18 4. *Except as otherwise provided in section 38 of this act, if a*
19 *Title I school district is designated as demonstrating need for*
20 *improvement for 3 or more consecutive years, the Department*
21 *shall take corrective action as set forth in 20 U.S.C. § 6316(c)(10)*
22 *and the regulations adopted pursuant thereto against the school*
23 *district.*

24 **Sec. 37. 1.** *Except as otherwise provided in section 38 of*
25 *this act, if corrective action for a school district is required*
26 *pursuant to 20 U.S.C. § 6316(c)(10) or if the Department*
27 *determines that corrective action is appropriate for a school*
28 *district pursuant to subsection 3 of section 36 of this act, the*
29 *Department shall take one or more of the following corrective*
30 *actions:*

31 (a) *Deferring money for programs or reducing money for*
32 *administrative purposes.*

33 (b) *Instituting and fully carrying out a new curriculum that is*
34 *based upon the standards of content and performance adopted by*
35 *the State Board pursuant to NRS 389.520, including, without*
36 *limitation, the provision of appropriate professional development*
37 *relating to the new curriculum.*

38 (c) *Replacing employees of the school district if the*
39 *Department determines that those employees contributed to the*
40 *failure of the school district to make adequate yearly progress.*

41 (d) *Removing particular schools within the school district from*
42 *the jurisdiction of the school district and establishing an*
43 *alternative system of governance and supervision for those*
44 *schools.*



1 (e) *Appointing a receiver or trustee to administer the affairs of*
2 *the school district.*

3 (f) *Taking appropriate steps to abolish the school district,*
4 *including, without limitation, making recommendations to the*
5 *Legislature for revisions to applicable statutes to abolish the*
6 *school district.*

7 (g) *Authorizing pupils to transfer from schools operated by the*
8 *school district to schools operated by another school district that*
9 *are not designated as demonstrating need for improvement.*

10 2. *Before carrying out corrective action pursuant to this*
11 *section, the Department shall provide notice to the board of*
12 *trustees of the school district and an opportunity for a hearing.*
13 *The Department shall continue to provide technical assistance*
14 *pursuant to subsection 2 of section 36 of this act during the time*
15 *that the corrective action is carried out.*

16 3. *If corrective action is taken against a school district*
17 *pursuant to this section, the Department shall, not later than 10*
18 *days after the corrective action is taken, provide notice to the*
19 *parents and guardians of pupils enrolled in the school district, the*
20 *Governor, the Committee, the Bureau and the general public*
21 *concerning the corrective action. The notice must comply with 20*
22 *U.S.C. § 6316(c)(10).*

23 **Sec. 38.** *The Department shall grant a delay from the*
24 *imposition of corrective action for a school district for a period not*
25 *to exceed 1 year if the school district qualifies for a delay in the*
26 *manner set forth in 20 U.S.C. § 6316(c)(10)(F). If the school*
27 *district fails to make adequate yearly progress during the period of*
28 *the delay, the Department shall proceed with corrective action as if*
29 *the delay never occurred.*

30 **Sec. 39.** 1. *The Department shall prescribe a form for*
31 *notice to parents and guardians concerning the designation of a*
32 *public school as demonstrating need for improvement pursuant to*
33 *section 16 of this act. For Title I schools, the notice must comply*
34 *with 20 U.S.C. § 6316(b)(6) and the regulations adopted pursuant*
35 *thereto.*

36 2. *The Department shall prescribe a form for notice to*
37 *parents and guardians pursuant to section 36 of this act*
38 *concerning the designation of a school district as demonstrating*
39 *need for improvement. For Title I school districts, the notice must*
40 *comply with 20 U.S.C. § 6316(c)(6) and the regulations adopted*
41 *pursuant thereto.*

42 **Sec. 40.** 1. *The Department shall select, in the manner set*
43 *forth in 20 U.S.C. § 6316(e) and the regulations adopted pursuant*
44 *thereto, providers of supplemental educational services that must*
45 *be used by Title I schools designated as demonstrating need for*



1 *improvement pursuant to sections 22, 27 and 30 of this act. In*
2 *making a selection of providers, the Department shall consider*
3 *the recommendations submitted by the Committee pursuant to*
4 *NRS 218.5354.*

5 *2. The Department shall maintain an updated list of approved*
6 *providers throughout this state, categorized by the school districts*
7 *in which the supplemental educational services are offered.*

8 **Sec. 41.** NRS 385.007 is hereby amended to read as follows:

9 385.007 As used in this title, unless the context otherwise
10 requires:

11 1. “Charter school” means a public school that is formed
12 pursuant to the provisions of NRS 386.500 to 386.610, inclusive ~~§~~,
13 *and section 49 of this act.*

14 2. “Department” means the Department of Education.

15 3. *“Limited English proficient” has the meaning ascribed to*
16 *it in 20 U.S.C. § 7801(25).*

17 4. “Public schools” means all kindergartens and elementary
18 schools, junior high schools and middle schools, high schools,
19 charter schools and any other schools, classes and educational
20 programs which receive their support through public taxation and,
21 except for charter schools, whose textbooks and courses of study are
22 under the control of the State Board.

23 ~~§~~ 5. “State Board” means the State Board of Education.

24 **Sec. 42.** NRS 385.230 is hereby amended to read as follows:

25 385.230 1. The Superintendent of Public Instruction shall
26 report to the Governor biennially, on or before December 1, in the
27 year immediately preceding a regular session of the Legislature
28 concerning matters relating to education in this state ~~§~~, *including,*
29 *without limitation, an analysis of each annual report of*
30 *accountability prepared by the State Board pursuant to section 8*
31 *of this act in the immediately preceding 2 years.*

32 2. The Superintendent of Public Instruction shall report to the
33 Legislature during each regular session of the Legislature
34 concerning matters relating to education in this state ~~§~~, *including,*
35 *without limitation, an analysis of each annual report of*
36 *accountability prepared by the State Board pursuant to section 8*
37 *of this act in the immediately preceding 2 years.*

38 **Sec. 43.** NRS 385.3455 is hereby amended to read as follows:

39 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*
40 *sections 2 to 40, inclusive, of this act,* unless the context otherwise
41 requires, the words and terms defined in NRS 385.346 and 385.3465
42 *and sections 2 and 3 of this act* have the meanings ascribed to them
43 in those sections.



1 **Sec. 44.** NRS 385.347 is hereby amended to read as follows:
2 385.347 1. The board of trustees of each school district in
3 this state, in cooperation with associations recognized by the State
4 Board as representing licensed personnel in education in the district,
5 shall adopt a program providing for the accountability of the school
6 district to the residents of the district and to the State Board for the
7 quality of the schools and the educational achievement of the pupils
8 in the district, including, without limitation, pupils enrolled in
9 charter schools in the school district. The board of trustees of a
10 school district shall report the information required by subsection 2
11 for each charter school within the school district, regardless of the
12 sponsor of the charter school.
13 2. The board of trustees of each school district shall, on or
14 before ~~[March 31]~~ *August 15* of each year, ~~[report to the residents of~~
15 ~~the district]~~ *prepare an annual report of accountability* concerning:
16 (a) The educational goals and objectives of the school district.
17 (b) Pupil achievement for ~~[grades 4, 8, 10 and 11 for]~~ each
18 school in the district and the district as a whole, including, without
19 limitation, each charter school in the district. ~~[Unless otherwise~~
20 ~~directed by the Department, the]~~ *The* board of trustees of the district
21 shall base its report on the results of the examinations administered
22 pursuant to NRS 389.015 *and 389.550* and shall compare the results
23 of those examinations for the current school year with those of
24 previous school years. The report must include, for each school in
25 the district, including, without limitation, each charter school in the
26 district, and each grade in which the examinations were
27 administered:
28 (1) The number of pupils who took the examinations;
29 (2) An explanation of instances in which a school was
30 exempt from administering or a pupil was exempt from taking an
31 examination; ~~[and]~~
32 (3) A record of attendance for the period in which the
33 examinations were administered, including an explanation of any
34 difference in the number of pupils who took the examinations and
35 the number of pupils who are enrolled in the school ~~[-~~
36 ~~In addition, the board shall also report the results of other~~
37 ~~examinations of pupil achievement administered to pupils in the~~
38 ~~school district in grades other than 4, 8, 10 and 11. The results of~~
39 ~~these examinations for the current school year must be compared~~
40 ~~with those of previous school years.];~~
41 (4) *Except as otherwise provided in this paragraph, pupil*
42 *achievement, reported separately by gender and reported*
43 *separately for the following subgroups of pupils:*
44 *(I) Pupils who are economically disadvantaged, as*
45 *defined by the State Board;*



1 (II) Pupils from major racial and ethnic groups, as
2 defined by the State Board;

3 (III) Pupils with disabilities;

4 (IV) Pupils who are limited English proficient; and

5 (V) Pupils who are migratory children, as defined by the
6 State Board;

7 (5) A comparison of the achievement of pupils in each
8 subgroup identified in paragraph (b) of subsection 1 of section 5
9 of this act with the annual measurable objectives of the State
10 Board;

11 (6) The percentage of pupils who were not tested;

12 (7) Except as otherwise provided in this paragraph, the
13 percentage of pupils who were not tested, reported separately by
14 gender and reported separately for the subgroups identified in
15 subparagraph (4);

16 (8) The most recent 3-year trend in pupil achievement in
17 each subject area tested and each grade level tested pursuant to
18 NRS 389.015 and 389.550, which may include information
19 regarding the trend in the achievement of pupils for more than 3
20 years, if such information is available;

21 (9) Information that compares the results of pupils in the
22 school district, including, without limitation, pupils enrolled in
23 charter schools in the district, with the results of pupils
24 throughout this state. The information required by this
25 subparagraph must be provided in consultation with the
26 Department to ensure the accuracy of the comparison; and

27 (10) For each school in the district, including, without
28 limitation, each charter school in the district, information that
29 compares the results of pupils in the school with the results of
30 pupils throughout the school district and throughout this state.
31 The information required by this subparagraph must be provided
32 in consultation with the Department to ensure the accuracy of the
33 comparison.

34 A separate reporting for a subgroup of pupils must not be made
35 pursuant to this paragraph if the number of pupils in that
36 subgroup is insufficient to yield statistically reliable information
37 or the results would reveal personally identifiable information
38 about an individual pupil. The State Board shall prescribe the
39 mechanism for determining the minimum number of pupils that
40 must be in a subgroup for that subgroup to yield statistically
41 reliable information.

42 (c) The ratio of pupils to teachers in kindergarten and at each
43 grade level for each elementary school in the district and the district
44 as a whole, including, without limitation, each charter school in the
45 district, *and* the average class size for each ~~required course of~~



1 ~~study]~~ *core academic subject, as set forth in NRS 389.018*, for each
2 secondary school in the district and the district as a whole,
3 including, without limitation, each charter school in the district . ~~;~~
4 ~~and other data concerning licensed and unlicensed employees of the~~
5 ~~school district.~~

6 ~~—(d) The percentage of classes taught by teachers who have been~~
7 ~~assigned to teach English, mathematics, science or social studies but~~
8 ~~do not possess a license with an endorsement to teach in that subject~~
9 ~~area, for each school in the district and the district as a whole,~~
10 ~~including, without limitation, each charter school in the district.]~~

11 *(d) Information on the professional qualifications of teachers*
12 *employed by each school in the district and the district as a whole,*
13 *including, without limitation, each charter school in the district.*
14 *The information must include, without limitation:*

15 *(1) The percentage of teachers who are:*

16 *(I) Providing instruction pursuant to NRS 391.125;*

17 *(II) Providing instruction pursuant to a waiver of the*
18 *requirements for licensure for the grade level or subject area in*
19 *which the teachers are employed; or*

20 *(III) Otherwise providing instruction without an*
21 *endorsement for the subject area in which the teachers are*
22 *employed;*

23 *(2) The percentage of classes in the core academic subjects,*
24 *as set forth in NRS 389.018, that are not taught by highly qualified*
25 *teachers; and*

26 *(3) The percentage of classes in the core academic subjects,*
27 *as set forth in NRS 389.018, that are not taught by highly qualified*
28 *teachers, in the aggregate and disaggregated by high-poverty*
29 *compared to low-poverty schools, which for the purposes of this*
30 *subparagraph, means schools in the top quartile of poverty and*
31 *the bottom quartile of poverty in this state.*

32 *(e) The total expenditure per pupil for each school in the district*
33 *and the district as a whole, including, without limitation, each*
34 *charter school in the district. If this state has a financial analysis*
35 *program that is designed to track educational expenditures and*
36 *revenues to individual schools, each school district shall use that*
37 *statewide program in complying with this paragraph. If a*
38 *statewide program is not available, each school district shall use*
39 *its own financial analysis program in complying with this*
40 *paragraph.*

41 *(f) The curriculum used by the school district, including:*

42 *(1) Any special programs for pupils at an individual school;*
43 *and*

44 *(2) The curriculum used by each charter school in the*
45 *district.*



1 (g) Records of the attendance and truancy of pupils in all grades,
2 including, without limitation ~~[, the]~~ :

3 (1) *The* average daily attendance of pupils, for each school in
4 the district and the district as a whole, including, without limitation,
5 each charter school in the district.

6 (2) *For each elementary school, middle school and junior*
7 *high school in the district, including, without limitation, each*
8 *charter school in the district that provides instruction to pupils*
9 *enrolled in a grade level other than high school, information that*
10 *compares the attendance of the pupils enrolled in the school with*
11 *the attendance of pupils throughout the district and throughout*
12 *this state. The information required by this subparagraph must be*
13 *provided in consultation with the Department to ensure the*
14 *accuracy of the comparison.*

15 (h) The annual rate of pupils who drop out of school in grades 9
16 to 12, inclusive, for each such grade, for each school in the district
17 and for the district as a whole, excluding pupils who:

18 (1) Provide proof to the school district of successful
19 completion of the examinations of general educational development.

20 (2) Are enrolled in courses that are approved by the
21 Department as meeting the requirements for an adult standard
22 diploma.

23 (3) Withdraw from school to attend another school.

24 (i) Records of attendance of teachers who provide instruction,
25 for each school in the district and the district as a whole, including,
26 without limitation, each charter school in the district.

27 (j) Efforts made by the school district and by each school in the
28 district, including, without limitation, each charter school in the
29 district, to increase:

30 (1) Communication with the parents of pupils in the district;
31 and

32 (2) The participation of parents in the educational process
33 and activities relating to the school district and each school,
34 including, without limitation, the existence of parent organizations
35 and school advisory committees.

36 (k) Records of incidents involving weapons or violence for each
37 school in the district, including, without limitation, each charter
38 school in the district.

39 (l) Records of incidents involving the use or possession of
40 alcoholic beverages or controlled substances for each school in the
41 district, including, without limitation, each charter school in the
42 district.

43 (m) Records of the suspension and expulsion of pupils required
44 or authorized pursuant to NRS 392.466 and 392.467.



1 (n) The number of pupils who are deemed habitual disciplinary
2 problems pursuant to NRS 392.4655, for each school in the district
3 and the district as a whole, including, without limitation, each
4 charter school in the district.

5 (o) The number of pupils in each grade who are retained in the
6 same grade pursuant to NRS ~~392.033~~ or 392.125, for each school in
7 the district and the district as a whole, including, without limitation,
8 each charter school in the district.

9 (p) The transiency rate of pupils for each school in the district
10 and the district as a whole, including, without limitation, each
11 charter school in the district. For the purposes of this paragraph, a
12 pupil is not transient if he is transferred to a different school within
13 the school district as a result of a change in the zone of attendance
14 by the board of trustees of the school district pursuant to
15 NRS 388.040.

16 (q) Each source of funding for the school district.

17 (r) The amount and sources of money received for remedial
18 education for each school in the district and the district as a whole,
19 including, without limitation, each charter school in the district.

20 (s) For each high school in the district, including, without
21 limitation, each charter school in the district, the percentage of
22 pupils who graduated from that high school or charter school in the
23 immediately preceding year and enrolled in remedial courses in
24 reading, writing or mathematics at a university or community
25 college within the University and Community College System of
26 Nevada.

27 (t) The technological facilities and equipment available at each
28 school, including, without limitation, each charter school, and the
29 district's plan to incorporate educational technology at each school.

30 (u) For each school in the district and the district as a whole,
31 including, without limitation, each charter school in the district, the
32 number and percentage of pupils who ~~graduate with:~~ **received:**

33 (1) A standard high school diploma.

34 (2) An adjusted diploma.

35 (3) A certificate of attendance.

36 (v) For each school in the district and the district as a whole,
37 including, without limitation, each charter school in the district, the
38 number and percentage of pupils who did not receive a high school
39 diploma because the pupils failed to pass the high school
40 proficiency examination.

41 (w) The number of habitual truants who are reported to a school
42 police officer or law enforcement agency pursuant to paragraph (a)
43 of subsection 2 of NRS 392.144 and the number of habitual truants
44 who are referred to an advisory board to review school attendance



1 pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each
2 school in the district and for the district as a whole.

3 (x) The amount and sources of money received for the training
4 and professional development of teachers and other educational
5 personnel for each school in the district and for the district as a
6 whole, including, without limitation, each charter school in the
7 district.

8 (y) *Whether the school district has made adequate yearly*
9 *progress. If the school district has been designated as*
10 *demonstrating need for improvement pursuant to section 35 of this*
11 *act, the report must include a statement indicating the number of*
12 *consecutive years the school district has carried that designation.*

13 (z) *Information on whether each public school in the district,*
14 *including, without limitation, each charter school in the district,*
15 *has made adequate yearly progress, including, without limitation:*

16 (1) *The number and percentage of schools in the district, if*
17 *any, that have been designated as needing improvement pursuant*
18 *to section 16 of this act; and*

19 (2) *The name of each school, if any, in the district that has*
20 *been designated as needing improvement pursuant to section 16 of*
21 *this act and the number of consecutive years that the school has*
22 *carried that designation.*

23 (aa) *Information on the paraprofessionals employed by each*
24 *public school in the district, including, without limitation, each*
25 *charter school in the district. The information must include:*

26 (1) *The number of paraprofessionals employed at the*
27 *school; and*

28 (2) *The number and percentage of all paraprofessionals*
29 *who do not satisfy the qualifications set forth in 20 U.S.C. §*
30 *6319(c). The reporting requirements of this subparagraph apply to*
31 *paraprofessionals who are employed in positions supported with*
32 *Title I money and to paraprofessionals who are not employed in*
33 *positions supported with Title I money.*

34 (bb) *For each high school in the district, including, without*
35 *limitation, each charter school that operates as a high school,*
36 *information that provides a comparison of the rate of graduation*
37 *of pupils enrolled in the high school with the rate of graduation of*
38 *pupils throughout the district and throughout this state. The*
39 *information required by this paragraph must be provided in*
40 *consultation with the Department to ensure the accuracy of the*
41 *comparison.*

42 (cc) *An identification of the appropriations made by the*
43 *Legislature that are available to the school district or the schools*
44 *within the district and programs approved by the Legislature to*
45 *improve the academic achievement of pupils.*



1 ~~(dd)~~ Such other information as is directed by the Superintendent
2 of Public Instruction.

3 3. The records of attendance maintained by a school for
4 purposes of paragraph (i) of subsection 2 must include the number
5 of teachers who are in attendance at school and the number of
6 teachers who are absent from school. A teacher shall be deemed in
7 attendance if the teacher is excused from being present in the
8 classroom by the school in which he is employed for one of the
9 following reasons:

10 (a) Acquisition of knowledge or skills relating to the
11 professional development of the teacher; or

12 (b) Assignment of the teacher to perform duties for cocurricular
13 or extracurricular activities of pupils.

14 4. *The annual report of accountability prepared pursuant to*
15 *subsection 2 must:*

16 (a) *Comply with 20 U.S.C. § 6311(h)(2) and the regulations*
17 *adopted pursuant thereto; and*

18 (b) *Be presented in an understandable and uniform format*
19 *and to the extent practicable, provided in a language that parents*
20 *can understand.*

21 5. The Superintendent of Public Instruction shall:

22 (a) Prescribe forms for the reports required pursuant to
23 subsection 2 and provide the forms to the respective school districts.

24 (b) Provide statistical information and technical assistance to the
25 school districts to ensure that the reports provide comparable
26 information with respect to each school in each district and among
27 the districts ~~{ }~~ *throughout this state.*

28 (c) Consult with a representative of the:

29 (1) Nevada State Education Association;

30 (2) Nevada Association of School Boards;

31 (3) Nevada Association of School Administrators;

32 (4) Nevada Parent ~~{Teachers}~~ *Teacher* Association;

33 (5) Budget Division of the Department of Administration;

34 and

35 (6) Legislative Counsel Bureau,

36 concerning the program and consider any advice or
37 recommendations submitted by the representatives with respect to
38 the program.

39 ~~{5-}~~ 6. The Superintendent of Public Instruction may consult
40 with representatives of parent groups other than the Nevada Parent
41 Teachers Association concerning the program and consider any
42 advice or recommendations submitted by the representatives with
43 respect to the program.

44 ~~{6-}~~ 7. On or before April ~~{15}~~ 1 of each year, the board of
45 trustees of each school district shall submit to ~~{each}~~ :



1 (a) *Each* advisory board to review school attendance created in
2 the county pursuant to NRS 392.126 the information required in
3 paragraph (g) of subsection 2.

4 (b) *The Commission on Educational Technology created by*
5 *NRS 388.790 the information prepared by the board of trustees*
6 *pursuant to paragraph (t) of subsection 2.*

7 8. *On or before August 15 of each year, the board of trustees*
8 *of each school district shall:*

9 (a) *Submit the report required pursuant to subsection 2 to the:*

10 (1) *Governor;*

11 (2) *State Board;*

12 (3) *Department;*

13 (4) *Committee; and*

14 (5) *Bureau.*

15 (b) *Provide for public dissemination of the annual report of*
16 *accountability prepared pursuant to subsection 2 in the manner*
17 *set forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school*
18 *district, including, without limitation, each charter school in the*
19 *district, the residents of the district, and the parents and guardians*
20 *of pupils enrolled in schools in the district, including, without*
21 *limitation, each charter school in the district.*

22 9. *As used in this section:*

23 (a) *“Highly qualified” has the meaning ascribed to it in 20*
24 *U.S.C. § 7801(23).*

25 (b) *“Paraprofessional” has the meaning ascribed to it in*
26 *section 73 of this act.*

27 **Sec. 45.** NRS 385.354 is hereby amended to read as follows:

28 385.354 1. If the board of trustees of a school district in a
29 county whose population is 400,000 or more, or the superintendent
30 of schools of such a school district, creates regional subdistricts
31 within the school district, each regional subdistrict shall, on or
32 before ~~April~~ *August* 15 of each year, prepare an annual report. The
33 annual report must include, without limitation, for the immediately
34 preceding school year:

35 (a) A description of the geographic area that comprises the
36 subdistrict.

37 (b) A list of the administrative leadership of the subdistrict.

38 (c) The number of public meetings, if any, held by the
39 subdistrict.

40 (d) The information required by subsection 2 of NRS 385.347,
41 reported for the subdistrict as a whole and for each school within the
42 subdistrict.

43 (e) The total number of administrators employed to provide
44 services within the subdistrict, and the total amount of money paid
45 to those administrators for salaries and benefits.



1 (f) The total number of teachers and other educational personnel
2 employed to provide instruction and other educational services in
3 schools within the subdistrict, and the total amount of money paid to
4 those teachers and personnel for salaries and benefits.

5 (g) The number of substitute teachers who were employed to
6 provide instruction in schools within the subdistrict for a period of
7 30 consecutive days or more and the subject areas taught by those
8 substitute teachers.

9 (h) The number of administrators, teachers and other educational
10 personnel identified in paragraphs (e) and (f) that attended a
11 regional training program for the professional development of
12 teachers and administrators established pursuant to NRS 391.512,
13 including, without limitation:

14 (1) The type of training received; and

15 (2) A summary of the evaluation of the training by the
16 teachers and administrators who participated.

17 (i) Demographic information concerning the pupils enrolled in
18 schools within the subdistrict, including, without limitation:

19 (1) Race;

20 (2) Ethnicity;

21 (3) Gender;

22 (4) The percentage of pupils with disabilities who received
23 special education pursuant to NRS 388.440 to 388.520, inclusive;

24 (5) The percentage of gifted and talented pupils who received
25 special education pursuant to NRS 388.440 to 388.520, inclusive;

26 (6) The percentage of pupils who participated in the program
27 for free or reduced-price school lunches pursuant to 42 U.S.C. §§
28 1751 et seq.; and

29 (7) The percentage of pupils who participated in educational
30 programs for migratory children provided pursuant to 20 U.S.C. §§
31 6391 et seq.

32 (j) The number of schools, if any, within the subdistrict that
33 were designated as demonstrating need for improvement.

34 (k) A summary of each program for remediation, if any,
35 purchased for the schools within the subdistrict, including, without
36 limitation:

37 (1) The name of the program; and

38 (2) The costs of the program.

39 (l) The number of preschool children who participated in early
40 childhood education programs provided by the school district, the
41 subdistrict or schools within the subdistrict.

42 (m) The budget for the subdistrict, including, without limitation,
43 the:



1 (1) Amount of money from the school district's total budget
2 that was allocated to the subdistrict or for use to operate the schools
3 within the subdistrict; and

4 (2) Actual expenditures of the subdistrict or school district,
5 as applicable, expressed on a per pupil basis, to operate the schools
6 within the subdistrict.

7 (n) The establishment of zones of attendance, if any, or changes
8 made to the existing zones of attendance, if any, that affected the
9 subdistrict and the number of pupils within the subdistrict who were
10 affected by each change.

11 (o) The number of schools within the subdistrict, if any, that
12 converted to a year-round schedule.

13 (p) A description of the procedure of the subdistrict for hearing
14 grievances and complaints of parents and legal guardians of pupils
15 enrolled in schools within the subdistrict.

16 2. On or before ~~April~~ *August* 15 of each year, each regional
17 subdistrict shall submit to the board of trustees of the school district
18 in which the subdistrict is located, the written report prepared
19 pursuant to subsection 1. On or before ~~June~~ *December* 15 of each
20 year, the board of trustees shall submit a written compilation of the
21 reports to the:

22 (a) Legislative Commission;

23 (b) Committee; and

24 (c) Department.

25 The written compilation must include, without limitation, an
26 analysis and evaluation of the equity among the regional subdistricts
27 based upon the information reported.

28 3. The board of trustees of a school district that includes
29 regional subdistricts which are required to submit reports pursuant
30 to this section shall prescribe forms for the reports.

31 **Sec. 46.** NRS 385.359 is hereby amended to read as follows:

32 385.359 1. The Bureau shall contract with a person or entity
33 to:

34 (a) Review and analyze , ~~[the information submitted to the~~
35 ~~Bureau pursuant to NRS 385.351]~~ in accordance with *the* standards
36 prescribed by the Committee pursuant to subsection 2 of NRS
37 218.5354 ~~[]~~ , *the:*

38 *(I) Annual report of accountability prepared by:*

39 *(I) The State Board pursuant to section 8 of this act;*
40 *and*

41 *(II) The board of trustees of each school district*
42 *pursuant to NRS 385.347.*

43 *(2) Plan to improve the achievement of pupils prepared by:*

44 *(I) The State Board pursuant to section 9 of this act;*



1 (II) *The board of trustees of each school district*
2 *pursuant to section 10 of this act; and*

3 (III) *Each school pursuant to section 11 of this act*
4 *identified by the Bureau for review, if any.*

5 (b) *Submit a written report to and consult with the State Board*
6 *and the Department regarding any methods by which the State*
7 *Board may improve the accuracy of the report of accountability*
8 *required pursuant to section 8 of this act and the plan to improve*
9 *the achievement of pupils required pursuant to section 9 of this*
10 *act, and the purposes for which the report and plan to improve are*
11 *used.*

12 (c) *Submit a written report to and consult with each school*
13 *district regarding any methods by which the district may improve*
14 *the accuracy of the report required pursuant to subsection 2 of NRS*
15 *385.347 and the ~~{written report and written procedure required~~*
16 *~~pursuant to NRS 385.351,}~~ plan to improve the achievement of*
17 *pupils required pursuant to section 10 of this act, and the purposes*
18 *for which the ~~{reports and written procedure are used; and~~*
19 *~~—(e)}~~ report and plan to improve are used.*

20 (d) *If requested by the Bureau, submit a written report to and*
21 *consult with individual schools identified by the Bureau regarding*
22 *any methods by which the school may improve the accuracy of the*
23 *information required to be reported for the school pursuant to*
24 *subsection 2 of NRS 385.347 and the plan to improve the*
25 *achievement of pupils required pursuant to section 11 of this act.*

26 (e) *Submit written reports and any recommendations to the*
27 *Committee and the Bureau concerning:*

28 (1) *The effectiveness of the provisions of NRS 385.3455 to*
29 *385.391, inclusive, and sections 2 to 40, inclusive, of this act in*
30 *improving the accountability of the schools of this state;*

31 (2) *The status of each school district that is designated as*
32 *demonstrating need for improvement pursuant to section 35 of this*
33 *act and each school that is designated as demonstrating need for*
34 *improvement pursuant to ~~{NRS 385.367 and 385.368;}~~ section 16 of*
35 *this act; and*

36 (3) *Any other matter related to the accountability of the*
37 *public schools of this state, as deemed necessary by the Bureau.*

38 2. *The consultant with whom the Bureau contracts to perform*
39 *the duties required pursuant to subsection 1 ~~{:~~*

40 *~~—(a) Must}~~ must possess the experience and knowledge necessary*
41 *to perform those duties, as determined by the Committee. ~~{; and~~*

42 *~~—(b) Shall complete those duties within 6 months after the Bureau~~*
43 *~~provides to the consultant the report required pursuant to subsection~~*
44 *~~2 of NRS 385.347 and the written report and written procedure~~*
45 *~~required pursuant to NRS 385.351.}~~*



1 **Sec. 47.** NRS 385.389 is hereby amended to read as follows:

2 385.389 1. The Department shall adopt programs of remedial
3 study for each subject tested on the examinations administered
4 pursuant to NRS 389.015 ~~[1]~~ *, including, without limitation,*
5 *programs that are designed for pupils who are limited English*
6 *proficient. The programs adopted for pupils who are limited*
7 *English proficient must be designed to:*

8 (a) *Improve the academic achievement of those pupils; or*
9 (b) *Assist those pupils with attaining proficiency in the English*
10 *language.*

11 In adopting these programs of remedial study, the Department shall
12 consider the recommendations submitted by the Committee pursuant
13 to NRS 218.5354 and programs of remedial study that have proven
14 to be successful in improving the academic achievement of pupils.

15 2. ~~[A school that receives a designation as demonstrating need~~
16 ~~for improvement pursuant to paragraph (a) of subsection 1 of NRS~~
17 ~~385.367]~~ *Except as otherwise provided in section 15 of this act, if a*
18 *school fails to make adequate yearly progress or if less than 60*
19 *percent of the pupils enrolled in a school who took the*
20 *examinations administered pursuant to NRS 389.015 received an*
21 *average score on those examinations that is at least equal to the*
22 *26th percentile of the national reference group of pupils to which*
23 *the examinations were compared, the school* shall adopt a program
24 of remedial study that has been adopted by the Department pursuant
25 to subsection 1.

26 3. ~~[A]~~ *Except as otherwise provided in section 15 of this act, a*
27 school district that includes a school ~~[which receives a designation~~
28 ~~of demonstrating need for improvement pursuant to paragraph (a) of~~
29 ~~subsection 1 of NRS 385.367]~~ *described in subsection 2* shall
30 ensure that each of the pupils enrolled in the school who failed to
31 demonstrate at least adequate achievement on the examinations
32 administered pursuant to NRS 389.015 completes, in accordance
33 with the requirements set forth in subsection ~~[5]~~ 4 of NRS 389.015,
34 remedial study that is determined to be appropriate for the pupil.

35 **Sec. 48.** NRS 385.391 is hereby amended to read as follows:

36 385.391 1. The Department shall adopt:

37 ~~[1.]~~ (a) Regulations to provide for the recognition of schools
38 that ~~[receive]~~ :

39 (1) *Receive* a designation as demonstrating exemplary
40 achievement or high achievement pursuant to ~~[NRS 385.365;-~~

41 ~~—2.— Regulations which prescribe the factors that the Department~~
42 ~~will consider in determining whether to grant a waiver from the~~
43 ~~establishment of a panel to supervise the academic probation of a~~
44 ~~school pursuant to NRS 385.378, including, without limitation,~~
45 ~~criteria for determining whether:~~



1 ~~—(a) A school has significantly improved for the purpose of~~
2 ~~subsection 3 of NRS 385.378; and~~

3 ~~—(b) The number of pupils enrolled in a school who take the~~
4 ~~examinations required pursuant to NRS 389.015 has significantly~~
5 ~~increased for the purpose of subsection 4 of NRS 385.378; and~~

6 ~~—3.] section 16 of this act.~~

7 *(2) Significantly improve the academic achievement of*
8 *subgroups of pupils identified in paragraph (b) of subsection 1 of*
9 *section 5 of this act.*

10 *(3) Exceed adequate yearly progress, as determined by the*
11 *Department pursuant to section 12 of this act, for 2 or more*
12 *consecutive years.*

13 *(b) Such regulations as it deems necessary to carry out the*
14 *provisions of this section and NRS 385.3455 to [385.386.] 385.391,*
15 *inclusive, and sections 2 to 40, inclusive, of this act, including,*
16 *without limitation, uniform standards for the type and format of data*
17 *that must be submitted by the school districts and the time by which*
18 *such data must be submitted.*

19 *2. The Department may work in consultation with the Bureau*
20 *for identifying and publicizing the achievement of schools that are*
21 *recognized pursuant to paragraph (a) of subsection 1.*

22 **Sec. 49.** Chapter 386 of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 *1. A person who is initially hired as a paraprofessional by a*
25 *charter school after January 8, 2002, to work in a program*
26 *supported with Title I money must possess the qualifications*
27 *required by 20 U.S.C. § 6319(c).*

28 *2. A person who is employed as a paraprofessional by a*
29 *charter school, regardless of the date of hire, to work in a program*
30 *supported with Title I money must possess, on or before*
31 *January 8, 2006, the qualifications required by 20 U.S.C. §*
32 *6319(c).*

33 *3. For the purposes of this section, a person is not “initially*
34 *hired” if he has been employed as a paraprofessional by another*
35 *school district or charter school in this state without an*
36 *interruption in employment before the date of hire by his current*
37 *employer.*

38 *4. As used in this section, “paraprofessional” has the*
39 *meaning ascribed to it in section 73 of this act.*

40 **Sec. 50.** NRS 386.500 is hereby amended to read as follows:

41 386.500 For the purposes of NRS 386.500 to 386.610,
42 inclusive, *and section 49 of this act*, a pupil is “at risk” if he has an
43 economic or academic disadvantage such that he requires special
44 services and assistance to enable him to succeed in educational
45 programs. The term includes, without limitation, pupils who are



1 members of economically disadvantaged families, pupils ~~{with~~
2 ~~limited proficiency in the English language,}~~ *who are limited*
3 *English proficient*, pupils who are at risk of dropping out of high
4 school and pupils who do not meet minimum standards of academic
5 proficiency. The term does not include a pupil with a disability.

6 **Sec. 51.** NRS 386.590 is hereby amended to read as follows:

7 386.590 1. Except as otherwise provided in this subsection,
8 at least 70 percent of the teachers who provide instruction at a
9 charter school must be licensed teachers. If a charter school is a
10 vocational school, the charter school shall, to the extent practicable,
11 ensure that at least 70 percent of the teachers who provide
12 instruction at the school are licensed teachers, but in no event may
13 more than 50 percent of the teachers who provide instruction at the
14 school be unlicensed teachers.

15 2. A governing body of a charter school shall employ:

16 (a) If the charter school offers instruction in kindergarten or
17 grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are
18 enrolled in those grades. *If required by subsection 3 or 4, such a*
19 *teacher must possess the qualifications required by 20 U.S.C. §*
20 *6319(a).*

21 (b) ~~##~~ *Except as otherwise provided in subsections 3 and 4, if*
22 *the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or 12,*
23 *a licensed teacher to teach pupils who are enrolled in those grades*
24 *for the following courses of study:*

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

26 (2) Mathematics;

27 (3) Science; and

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

30 (c) In addition to the requirements of paragraphs (a) and (b):

31 (1) If a charter school specializes in arts and humanities,
32 physical education or health education, a licensed teacher to teach
33 those courses of study.

34 (2) If a charter school specializes in the construction industry
35 or other building industry, licensed teachers to teach courses of
36 study relating to the industry if those teachers are employed full
37 time.

38 (3) If a charter school specializes in the construction industry
39 or other building industry and the school offers courses of study in
40 computer education, technology or business, licensed teachers to
41 teach those courses of study if those teachers are employed full
42 time.

43 3. *A person who is initially hired by the governing body of a*
44 *charter school on or after January 8, 2002, to teach in a program*
45 *supported with money from Title I must possess the qualifications*



1 *required by 20 U.S.C. § 6319(a). For the purposes of this*
2 *subsection, a person is not “initially hired” if he has been*
3 *employed as a teacher by another school district or charter school*
4 *in this state without an interruption in employment before the date*
5 *of hire by his current employer.*

6 *4. A teacher who is employed by a charter school, regardless*
7 *of the date of hire, must, on or before July 1, 2006, possess the*
8 *qualifications required by 20 U.S.C. § 6319(a) if he teaches one or*
9 *more of the following subjects:*

- 10 (a) *English, reading or language arts;*
- 11 (b) *Mathematics;*
- 12 (c) *Science;*
- 13 (d) *Foreign language;*
- 14 (e) *Civics or government;*
- 15 (f) *Economics;*
- 16 (g) *Geography;*
- 17 (h) *History; or*
- 18 (i) *The arts.*

19 *5. A charter school may employ a person who is not licensed*
20 *pursuant to the provisions of chapter 391 of NRS to teach a course*
21 *of study for which a licensed teacher is not required pursuant to*
22 ~~*[subsection 2]*~~ *subsections 2, 3 and 4 if the person has:*

- 23 (a) *A degree, a license or a certificate in the field for which he is*
24 *employed to teach at the charter school; and*
- 25 (b) *At least 2 years of experience in that field.*

26 ~~*[4.]*~~ *6. A charter school may employ such administrators for*
27 *the school as it deems necessary. A person employed as an*
28 *administrator must possess:*

- 29 (a) *A master’s degree in school administration, public*
30 *administration or business administration; or*
- 31 (b) *If the person has at least 5 years of experience in*
32 *administration, a baccalaureate degree.*

33 ~~*[5.]*~~ *7. A charter school shall not employ a person pursuant to*
34 *this section if his license to teach or provide other educational*
35 *services has been revoked or suspended in this state or another state.*

36 ~~*[6.]*~~ *8. On or before November 15 of each year, a charter*
37 *school shall submit to the Department, in a format prescribed by the*
38 *Superintendent of Public Instruction, the following information for*
39 *each licensed employee who is employed by the governing body on*
40 *October 1 of that year:*

- 41 (a) *The amount of salary of the employee; and*
- 42 (b) *The designated assignment, as that term is defined by the*
43 *Department, of the employee.*



1 **Sec. 52.** NRS 386.605 is hereby amended to read as follows:
2 386.605 1. On or before ~~January 1~~ **July 15** of each year, the
3 governing body of each charter school shall submit the information
4 concerning the charter school that is required pursuant to subsection
5 2 of NRS 385.347 to the board of trustees of the school district in
6 which the charter school is located, regardless of the sponsor of the
7 charter school, for inclusion in the report of the school district
8 pursuant to that section. The information must be submitted by the
9 charter school in a format prescribed by the board of trustees.
10 2. On or before ~~April~~ **August** 15 of each year, the governing
11 body of each charter school shall submit the information applicable
12 to the charter school that is contained in the report pursuant to
13 paragraph (t) of subsection 2 of NRS 385.347 to the Commission on
14 Educational Technology created pursuant to NRS 388.790.
15 3. ~~On or before June 15 of each year, the governing body of~~
16 ~~each charter school shall prepare a:~~
17 ~~—(a) Separate written report summarizing the effectiveness of the~~
18 ~~charter school's program of accountability. The report must include:~~
19 ~~—(1) A review and analysis of the data upon which the report~~
20 ~~required pursuant to subsection 2 of NRS 385.347 is based and a~~
21 ~~review and analysis of any data that is more recent than the data~~
22 ~~upon which the report is based;~~
23 ~~—(2) The identification of any problems or factors at the~~
24 ~~charter school that are revealed by the review and analysis; and~~
25 ~~—(3) A summary of the efforts that the governing body has~~
26 ~~made or intends to make to ensure that the teachers and other~~
27 ~~educational personnel employed by the governing body receive~~
28 ~~training and other professional development in:~~
29 ~~—(I) The standards of content and performance established~~
30 ~~by the Council to Establish Academic Standards for Public Schools~~
31 ~~pursuant to NRS 389.520;~~
32 ~~—(II) The assessment and measurement of pupil~~
33 ~~achievement and the effective methods to analyze the test results~~
34 ~~and scores of pupils to improve the achievement and proficiency of~~
35 ~~pupils; and~~
36 ~~—(III) Specific content areas to enable the teachers and~~
37 ~~other educational personnel to provide a higher level of instruction~~
38 ~~in their respective fields of teaching.~~
39 ~~—(b) Written procedure to improve the achievement of pupils who~~
40 ~~are enrolled in the charter school, including, but not limited to, a~~
41 ~~description of the efforts the governing body has made to correct~~
42 ~~any deficiencies identified in the written report required pursuant to~~
43 ~~paragraph (a). The written procedure must describe sources of data~~
44 ~~that will be used by the governing body to evaluate the effectiveness~~
45 ~~of the written procedure.~~



* S B 1 *

1 ~~—4. On or before June 15 of each year, the governing body of~~
2 ~~each charter school shall submit copies of the written report and~~
3 ~~written procedure required pursuant to subsection 3 to the:~~

4 ~~—(a) Governor;~~

5 ~~—(b) State Board;~~

6 ~~—(c) Department;~~

7 ~~—(d) Legislative Committee on Education created pursuant to~~
8 ~~NRS 218.5352;~~

9 ~~—(e) Legislative Bureau of Educational Accountability and~~
10 ~~Program Evaluation created pursuant to NRS 218.5356; and~~

11 ~~—(f) Board of trustees of the school district in which the charter~~
12 ~~school is located.~~

13 ~~—5. The Department shall maintain a record of the information~~
14 ~~that it receives from each charter school pursuant to this section in~~
15 ~~such a manner as will allow the Department to create for each~~
16 ~~charter school a yearly profile of information.~~

17 ~~—6. The governing body of each charter school shall ensure that~~
18 ~~a copy of the written report and written procedure required pursuant~~
19 ~~to subsection 3 is included with the final budget of the charter~~
20 ~~school adopted by the governing body of the charter school pursuant~~
21 ~~to the regulations of the Department.~~

22 ~~—7.]~~ The Legislative Bureau of Educational Accountability and
23 Program Evaluation created pursuant to NRS 218.5356 may
24 authorize a person or entity with whom it contracts pursuant to NRS
25 385.359 to review and analyze information submitted by charter
26 schools pursuant to this section ~~[.]~~ *and section 11 of this act,*
27 consult with the governing bodies of charter schools and submit
28 written reports concerning charter schools pursuant to NRS 385.359.

29 **Sec. 53.** NRS 386.650 is hereby amended to read as follows:

30 386.650 1. The Department shall establish and maintain ~~[a~~
31 ~~statewide]~~ *an* automated system of *accountability* information
32 ~~[concerning pupils.] for Nevada.~~ The system must ~~[be]~~ :

33 *(a) Have the capacity to provide and report information,*
34 *including, without limitation, the results of the achievement of*
35 *pupils:*

36 *(1) In the manner required by 20 U.S.C. §§ 6301 et seq.,*
37 *and the regulations adopted pursuant thereto, and NRS 385.347*
38 *and section 5 of this act; and*

39 *(2) In a separate reporting for each subgroup of pupils*
40 *identified in paragraph (b) of subsection 1 of section 5 of this act;*

41 *(b) Include a system of unique identification for each pupil:*

42 *(1) To ensure that individual pupils may be tracked over*
43 *time throughout this state; and*

44 *(2) That, to the extent practicable, may be used for*
45 *purposes of identifying a pupil for both the public schools and the*



1 *University and Community College System of Nevada, if that pupil*
2 *enrolls in the System after graduation from high school;*

3 (c) *Have the capacity to provide longitudinal comparisons of*
4 *the academic achievement, rate of attendance and rate of*
5 *graduation of pupils over time throughout this state;*

6 (d) *Have the capacity to perform a variety of longitudinal*
7 *analyses of the results of individual pupils on assessments,*
8 *including, without limitation, the results of pupils by classroom*
9 *and by school;*

10 (e) *Have the capacity to identify which teachers are assigned to*
11 *individual pupils and which paraprofessionals, if any, are*
12 *assigned to provide services to individual pupils;*

13 (f) *Have the capacity to provide other information concerning*
14 *schools and school districts that is not linked to individual pupils,*
15 *including, without limitation, the designation of schools and*
16 *school districts pursuant to sections 16 and 35 of this act,*
17 *respectively, and an identification of which schools, if any, are*
18 *persistently dangerous;*

19 (g) *Have the capacity to access financial accountability*
20 *information for each public school, including, without limitation,*
21 *each charter school, for each school district and for this state as a*
22 *whole; and*

23 (h) *Be designed to improve the ability of the Department, school*
24 *districts and the public schools in this state, including, without*
25 *limitation, charter schools, to account for the pupils who are*
26 *enrolled in the public schools, including, without limitation, charter*
27 *schools.*

28 *The information maintained pursuant to paragraphs (c), (d) and*
29 *(e) must not be used for the purpose of evaluating an individual*
30 *teacher or paraprofessional.*

31 2. The board of trustees of each school district shall:

32 (a) Adopt and maintain the program *prescribed by the*
33 *Superintendent of Public Instruction pursuant to subsection 3* for
34 the collection, maintenance and transfer of data from the records of
35 individual pupils to the ~~statewide~~ automated system of
36 information, including, without limitation, the development of plans
37 for the educational technology which is necessary to adopt and
38 maintain the program;

39 (b) Provide to the Department electronic data concerning pupils
40 as required by the Superintendent of Public Instruction pursuant to
41 subsection 3; and

42 (c) Ensure that an electronic record is maintained in accordance
43 with subsection 3 of NRS 386.655.

44 3. The Superintendent of Public Instruction shall:



- 1 (a) *Prescribe a uniform program throughout this state for the*
2 *collection, maintenance and transfer of data that each school*
3 *district must adopt, which must include standardized software;*
4 (b) Prescribe the data to be collected and reported to the
5 Department by each school district pursuant to subsection 2,
6 including, without limitation, data relating to each charter school
7 located within a school district regardless of the sponsor of the
8 charter school;
9 ~~[(b)]~~ (c) Prescribe the format for the data;
10 ~~[(e)]~~ (d) Prescribe the date by which each school district shall
11 report the data;
12 ~~[(d)]~~ (e) Prescribe the date by which each charter school located
13 within a school district shall report the data to the school district for
14 incorporation into the report of the school district, regardless of the
15 sponsor of the charter school;
16 ~~[(e)]~~ (f) *Prescribe standardized codes for all data elements*
17 *used within the automated system and all exchanges of data within*
18 *the automated system, including, without limitation, data*
19 *concerning:*
20 (1) *Individual pupils;*
21 (2) *Individual teachers and paraprofessionals;*
22 (3) *Individual schools and school districts; and*
23 (4) *Programs and financial information;*
24 (g) Provide technical assistance to each school district to ensure
25 that the data from each public school in the school district,
26 including, without limitation, each charter school located within the
27 school district, is compatible with the ~~[statewide]~~ automated system
28 of information and comparable to the data reported by other school
29 districts; and
30 ~~[(f)]~~ (h) Provide for the analysis and reporting of the data in the
31 ~~[statewide]~~ automated system of information.
32 4. *The Department shall establish, to the extent authorized by*
33 *the Family Educational Rights and Privacy Act of 1974, 20 U.S.C.*
34 *§ 1232g, and any regulations adopted pursuant thereto, a*
35 *mechanism by which persons or entities, including, without*
36 *limitation, state officers who are members of the Executive or*
37 *Legislative Branch, administrators of public schools and school*
38 *districts, teachers and other educational personnel, and parents*
39 *and guardians, will have different types of access to the*
40 *accountability information contained within the automated system*
41 *to the extent that such information is necessary for the*
42 *performance of a duty or to the extent that such information may*
43 *be made available to the general public without posing a threat to*
44 *the confidentiality of an individual pupil.*



1 5. *The Department may, to the extent authorized by the*
2 *Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §*
3 *1232g, and any regulations adopted pursuant thereto, enter into*
4 *an agreement with the University and Community College System*
5 *of Nevada to provide access to data contained within the*
6 *automated system for research purposes.*

7 **Sec. 54.** NRS 386.655 is hereby amended to read as follows:
8 386.655 1. The Department, the school districts and the
9 public schools, including, without limitation, charter schools, shall,
10 in operating the ~~[statewide]~~ automated system of information
11 established pursuant to NRS 386.650, comply with the provisions
12 of:

13 (a) For all pupils, the Family Educational Rights and Privacy
14 Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant
15 thereto; and

16 (b) For pupils with disabilities who are enrolled in programs of
17 special education, the provisions governing access to education
18 records and confidentiality of information prescribed in the
19 Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c),
20 and the regulations adopted pursuant thereto.

21 2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and
22 any other applicable federal law, a public school, including, without
23 limitation, a charter school, shall not release the education records
24 of a pupil to a person or an agency of a federal, state or local
25 government without the written consent of the parent or legal
26 guardian of the pupil.

27 3. In addition to the record required pursuant to 20 U.S.C. §
28 1232g(b)(4)(A), each school district shall maintain within the
29 ~~[statewide]~~ automated system of information an electronic record of
30 all persons and agencies who have requested the education record of
31 a pupil or obtained access to the education record of a pupil, or both,
32 pursuant to 20 U.S.C. § 1232g. The electronic record must be
33 maintained and may only be disclosed in accordance with the
34 provisions of 20 U.S.C. § 1232g. A charter school shall provide to
35 the school district in which the charter school is located such
36 information as is necessary for the school district to carry out the
37 provisions of this subsection, regardless of the sponsor of the charter
38 school.

39 4. The right accorded to a parent or legal guardian of a pupil
40 pursuant to subsection 2 devolves upon the pupil on the date on
41 which he attains the age of 18 years.

42 5. As used in this section, unless the context otherwise
43 requires, “education records” has the meaning ascribed to it in 20
44 U.S.C. § 1232g(a)(4).



1 **Sec. 55.** NRS 388.405 is hereby amended to read as follows:
2 388.405 ~~[1.]~~ The State Board ~~[of Education shall establish]~~
3 **shall:**

4 **1. Establish** a program to teach the English language to pupils
5 ~~[whose:~~
6 ~~—(a) Primary language is not English;~~
7 ~~—(b) Proficiency in the English language is below the average~~
8 ~~proficiency of pupils at the same age or grade level whose primary~~
9 ~~language is English; and~~
10 ~~—(c) Probability of success in a classroom in which courses of~~
11 ~~study are taught only in the English language is impaired because of~~
12 ~~their limited proficiency in the English language.~~
13 ~~2. The State Board of Education shall adopt]~~ **who are limited**
14 **English proficient.**

15 **2. Adopt** regulations to carry out the program. The regulations
16 must prescribe the procedure by which a school district may obtain a
17 waiver from the requirements of the program.

18 **3. Submit all evaluations required pursuant to 20 U.S.C. §§**
19 **6801 et seq. and the regulations adopted pursuant thereto**
20 **regarding the programs for pupils who are limited English**
21 **proficient carried out pursuant to that provision of federal law to**
22 **the:**

23 **(a) Governor;**
24 **(b) Committee;**
25 **(c) Bureau; and**
26 **(d) Board of trustees of each school district.**

27 **Sec. 56.** NRS 388.795 is hereby amended to read as follows:
28 388.795 1. The Commission shall establish a plan for the use
29 of educational technology in the public schools of this state. In
30 preparing the plan, the Commission shall consider:

31 (a) Plans that have been adopted by the Department and the
32 school districts in this state;

33 (b) Plans that have been adopted in other states;

34 (c) The information submitted to the Commission by the board
35 of trustees of each school district pursuant to subsection ~~[2 of NRS~~
36 ~~385.351;]~~ **7 of NRS 385.347;** and

37 (d) Any other information that the Commission or the
38 Committee deems relevant to the preparation of the plan.

39 2. The plan established by the Commission must include
40 recommendations for methods to:

41 (a) Incorporate educational technology into the public schools of
42 this state;

43 (b) Increase the number of pupils in the public schools of this
44 state who have access to educational technology;



- 1 (c) Increase the availability of educational technology to assist
2 licensed teachers and other educational personnel in complying with
3 the requirements of continuing education, including, but not limited
4 to, the receipt of credit for college courses completed through the
5 use of educational technology;
- 6 (d) Facilitate the exchange of ideas to improve the achievement
7 of pupils who are enrolled in the public schools of this state; and
- 8 (e) Address the needs of teachers in incorporating the use of
9 educational technology in the classroom, including, but not limited
10 to, the completion of training that is sufficient to enable the teachers
11 to instruct pupils in the use of educational technology.
- 12 3. The Department shall provide:
 - 13 (a) Administrative support;
 - 14 (b) Equipment; and
 - 15 (c) Office space,
- 16 as is necessary for the Commission to carry out the provisions of
17 this section.
- 18 4. The following entities shall cooperate with the Commission
19 in carrying out the provisions of this section:
 - 20 (a) The State Board.
 - 21 (b) The board of trustees of each school district.
 - 22 (c) The superintendent of schools of each school district.
 - 23 (d) The Department.
- 24 5. The Commission shall:
 - 25 (a) Develop technical standards for educational technology and
26 any electrical or structural appurtenances necessary thereto,
27 including, without limitation, uniform specifications for computer
28 hardware and wiring, to ensure that such technology is compatible,
29 uniform and can be interconnected throughout the public schools of
30 this state.
 - 31 (b) Allocate money to the school districts from the Trust Fund
32 for Educational Technology created pursuant to NRS 388.800 and
33 any money appropriated by the Legislature for educational
34 technology, subject to any priorities for such allocation established
35 by the Legislature.
 - 36 (c) Establish criteria for the board of trustees of a school district
37 that receives an allocation of money from the Commission to:
 - 38 (1) Repair, replace and maintain computer systems.
 - 39 (2) Upgrade and improve computer hardware and software
40 and other educational technology.
 - 41 (3) Provide training, installation and technical support related
42 to the use of educational technology within the district.
 - 43 (d) Submit to the Governor, the Committee and the Department
44 its plan for the use of educational technology in the public schools
45 of this state and any recommendations for legislation.



1 (e) Review the plan annually and make revisions as it deems
2 necessary or as directed by the Committee or the Department.

3 (f) In addition to the recommendations set forth in the plan
4 pursuant to subsection 2, make further recommendations to the
5 Committee and the Department as the Commission deems
6 necessary.

7 6. The Commission may appoint an advisory committee
8 composed of members of the Commission or other qualified persons
9 to provide recommendations to the Commission regarding standards
10 for the establishment, coordination and use of a telecommunications
11 network in the public schools throughout the various school districts
12 in this state. The advisory committee serves at the pleasure of the
13 Commission and without compensation unless an appropriation or
14 other money for that purpose is provided by the Legislature.

15 7. As used in this section, “public school” includes the Caliente
16 Youth Center and the Nevada Youth Training Center.

17 **Sec. 57.** NRS 388.846 is hereby amended to read as follows:

18 388.846 1. If the board of trustees of a school district
19 provides a program of distance education, the board of trustees shall
20 ensure that the persons who operate the program on a day-to-day
21 basis comply with and carry out all applicable requirements,
22 statutes, regulations, rules and policies of the school district,
23 including, without limitation:

24 (a) Graduation requirements;

25 (b) Accountability of public schools, as set forth in NRS
26 385.3455 to 385.391, inclusive ~~§~~,
27 *and sections 2 to 40, inclusive, of this act;*

28 (c) Provisions governing the attendance and truancy of pupils, as
29 set forth in NRS 392.040 to 392.220, inclusive; and

30 (d) Discipline of pupils.

31 2. If the governing body of a charter school provides a program
32 of distance education, the governing body shall:

33 (a) For each pupil who is enrolled in the program, provide
34 written notice to the board of trustees of the school district in which
35 the pupil resides of the type of educational services that will be
36 provided to the pupil through the program. The written notice must
37 be provided to the board of trustees before the pupil receives
38 educational services through the program of distance education.

39 (b) Ensure that the persons who operate the program on a day-
40 to-day basis comply with and carry out all applicable requirements,
41 statutes, regulations, rules and policies of the charter school,
42 including, without limitation:

43 (1) Graduation requirements;



1 (2) Accountability of public schools, as set forth in NRS
2 385.3455 to 385.391, inclusive ~~§~~, *and sections 2 to 40, inclusive,*
3 *of this act;*

4 (3) Provisions governing the attendance and truancy of
5 pupils, as set forth in NRS 392.040 to 392.220, inclusive; and

6 (4) Discipline of pupils.

7 **Sec. 58.** NRS 388.862 is hereby amended to read as follows:

8 388.862 1. If a pupil is enrolled full time in a program of
9 distance education provided by the board of trustees of a school
10 district, the board of trustees that provides the program shall declare
11 for each such pupil one public school within that school district ~~to~~
12 *with* which the pupil is affiliated. The board of trustees may declare
13 that all the pupils enrolled in the program of distance education are
14 affiliated with one public school within the school district, or it may
15 declare individual public schools for the pupils enrolled in the
16 program. Upon the declared affiliation, the pupil shall be deemed
17 enrolled in that public school for purposes of all the applicable
18 requirements, statutes, regulations, rules and policies of that public
19 school and school district, including, without limitation:

20 (a) Graduation requirements;

21 (b) Accountability of public schools, as set forth in NRS
22 385.3455 to 385.391, inclusive ~~§~~,
23 *and sections 2 to 40, inclusive, of this act;*

24 (c) Provisions governing the attendance and truancy of pupils, as
25 set forth in NRS 392.040 to 392.220, inclusive; and

26 (d) Discipline of pupils.

27 2. A pupil who is enrolled full time in a program of distance
28 education provided by a charter school shall be deemed enrolled in
29 the charter school. All the applicable requirements, including,
30 without limitation, statutes, regulations, rules and policies of that
31 charter school apply to such a pupil, including, without limitation:

32 (a) Graduation requirements;

33 (b) Accountability of public schools, as set forth in NRS
34 385.3455 to 385.391, inclusive ~~§~~, *and sections 2 to 40, inclusive,*
35 *of this act;*

36 (c) Provisions governing the attendance and truancy of pupils, as
37 set forth in NRS 392.040 to 392.220, inclusive; and

38 (d) Discipline of pupils.

39 3. If a pupil is enrolled part time in a program of distance
40 education, all the applicable requirements, statutes, regulations,
41 rules and policies of the public school of the school district in which
42 the pupil is otherwise enrolled or the charter school in which the
43 pupil is otherwise enrolled apply to such a pupil, including, without
44 limitation:

45 (a) Graduation requirements;



1 (b) Accountability of public schools, as set forth in NRS
2 385.3455 to 385.391, inclusive ~~§~~,

3 *and sections 2 to 40, inclusive, of this act;*

4 (c) Provisions governing the attendance and truancy of pupils, as
5 set forth in NRS 392.040 to 392.220, inclusive; and

6 (d) Discipline of pupils.

7 **Sec. 59.** Chapter 389 of NRS is hereby amended by adding
8 thereto the provisions set forth as sections 60 and 61 of this act.

9 **Sec. 60. 1.** *The board of trustees of each school district and*
10 *the governing body of each charter school shall ensure that each*
11 *pupil who is limited English proficient and is enrolled in the*
12 *school district or charter school, as applicable, participates in the*
13 *achievement and proficiency examinations administered pursuant*
14 *to this chapter. The State Board shall prescribe reasonable*
15 *modifications and accommodations that must be used in the*
16 *administration of an examination to a pupil who is limited English*
17 *proficient and who is unable to take an examination under regular*
18 *testing conditions. The results of each pupil who is limited English*
19 *proficient and who takes an examination with modifications and*
20 *accommodations must be reported and included within the*
21 *determination of whether the school and the school district have*
22 *made adequate yearly progress.*

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

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

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

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

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

38 (2) *Examinations in reading required by subsection 1 in the*
39 *language most likely to yield accurate and reliable information on*
40 *what the pupil knows if the board of trustees or the governing*
41 *body, as applicable, determines that the pupil has not reached a*
42 *level of English proficiency sufficient to yield valid and reliable*
43 *information on what the pupil knows. The board of trustees or the*
44 *governing body of a charter school, as applicable, may grant*
45 *exceptions for a particular pupil pursuant to this subparagraph,*



1 *on a case-by-case basis, for a period not longer than 2 consecutive*
2 *years.*

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

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

16 **Sec. 61.** *1. If a pupil with a disability is unable to take an*
17 *examination administered pursuant to NRS 389.015 or 389.550*
18 *under regular testing conditions, the pupil may take the*
19 *examination with modifications and accommodations that the*
20 *pupil's individualized education program team determines, in*
21 *consultation with the Department and in accordance with the*
22 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*
23 *seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301*
24 *et seq., are necessary to measure the progress of the pupil. If*
25 *modifications or accommodations are made in the administration*
26 *of an examination for a pupil with a disability, the modifications*
27 *or accommodations must be set forth in the pupil's individualized*
28 *education program. The results of each pupil with a disability who*
29 *takes an examination with modifications or accommodations must*
30 *be reported and must be included in the determination of whether*
31 *the school and the school district have made adequate yearly*
32 *progress.*

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

40 *3. The State Board shall prescribe, in accordance with the*
41 *Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et*
42 *seq., and the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301*
43 *et seq., the modifications and accommodations that must be used*
44 *in the administration of an examination to a pupil with a disability*



1 *who is unable to take the examination under regular testing*
2 *conditions.*

3 *4. As used in this section:*

4 *(a) “Individualized education program” has the meaning*
5 *ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

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

8 **Sec. 62.** NRS 389.012 is hereby amended to read as follows:

9 389.012 The State Board shall:

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

18 2. Report the results of those examinations to the:

19 (a) Governor;

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

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

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

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

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

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

33 **Sec. 63.** NRS 389.015 is hereby amended to read as follows:

34 389.015 1. The board of trustees of each school district shall
35 administer examinations in all public schools of the school district.
36 The governing body of a charter school shall administer the same
37 examinations in the charter school. The examinations administered
38 by the board of trustees and governing body must determine the
39 achievement and proficiency of pupils in:

40 (a) Reading;

41 (b) ~~Writing;~~

42 ~~—(c)—~~ Mathematics; and

43 ~~[(d) Science.]~~

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

45 2. The examinations required by subsection 1 must be:



1 (a) Administered before the completion of grades 4, ~~[8:]~~ 7, 10
2 and 11.

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

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

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

16 (1) The plan adopted by the Department; and

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

21 (e) Scored by ~~[the Department or]~~ a single private entity that has
22 contracted with the State Board to score the examinations. ~~[If a]~~ *The*
23 private entity *that* scores the examinations ~~[, it]~~ shall report the
24 results of the examinations in the form and by the date required by
25 the Department.

26 3. Not more than 14 working days after the results of the
27 examinations are reported to the Department by a private entity that
28 scored the examinations, ~~[for the Department completes the scoring~~
29 ~~of the examinations.]~~ the Superintendent of Public Instruction shall
30 certify that the results of the examinations have been transmitted to
31 each school district and each charter school. Not more than 10
32 working days after a school district receives the results of the
33 examinations, the superintendent of schools of each school district
34 shall certify that the results of the examinations have been
35 transmitted to each school within the school district. Except as
36 otherwise provided in this subsection, not more than 15 working
37 days after each school receives the results of the examinations, the
38 principal of each school and the governing body of each charter
39 school shall certify that the results for each pupil have been
40 provided to the parent or legal guardian of the pupil:

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

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



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

5 ~~4. [Different standards of proficiency may be adopted for~~
6 ~~pupils with diagnosed learning disabilities. If a pupil with a~~
7 ~~disability is unable to take an examination created by a private entity~~
8 ~~under regular testing conditions or with modifications and~~
9 ~~accommodations that are approved by the private entity, the pupil~~
10 ~~may take the examination with modifications and accommodations~~
11 ~~that are approved by the State Board pursuant to subsection 8. If a~~
12 ~~pupil with a disability is unable to take an examination created by~~
13 ~~the Department under regular testing conditions or with~~
14 ~~modifications and accommodations that are approved by the~~
15 ~~Department, the pupil may take the examination with modifications~~
16 ~~and accommodations that are approved by the State Board pursuant~~
17 ~~to subsection 8. The results of an examination that is taken under~~
18 ~~conditions that are not approved by a private entity or the~~
19 ~~Department, as applicable, must not be reported pursuant to~~
20 ~~subsection 2 of NRS 389.017. If different standards of proficiency~~
21 ~~are adopted or other modifications or accommodations are made in~~
22 ~~the administration of the examinations for a pupil who is enrolled in~~
23 ~~a program of special education pursuant to NRS 388.440 to~~
24 ~~388.520, inclusive, other than a gifted and talented pupil, the~~
25 ~~different standards adopted or other modifications or~~
26 ~~accommodations must be set forth in the pupil's program of special~~
27 ~~education developed in accordance with the Individuals with~~
28 ~~Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the~~
29 ~~standards prescribed by the State Board. During the administration~~
30 ~~of the high school proficiency examination, a pupil with a disability~~
31 ~~may be given additional time to complete the examination if the~~
32 ~~additional time is a modification or accommodation that is approved~~
33 ~~in the pupil's program of special education developed in accordance~~
34 ~~with the Individuals with Disabilities Education Act, 20 U.S.C. §§~~
35 ~~1400 et seq.~~

36 ~~—5.]~~ If a pupil fails to demonstrate at least adequate achievement
37 on the examination administered before the completion of grade 4,
38 ~~{8}~~ 7 or 10, he may be promoted to the next higher grade, but the
39 results of his examination must be evaluated to determine what
40 remedial study is appropriate. If such a pupil is enrolled at a school
41 that has ~~[been designated as demonstrating need for improvement~~
42 ~~pursuant to subsection 1 of NRS 385.367.]~~ *failed to make adequate*
43 *yearly progress or in which less than 60 percent of the pupils*
44 *enrolled in grade 4, 7 or 10 in the school who took the*
45 *examinations administered pursuant to this section received an*



1 *average score on those examinations that is at least equal to the*
2 *26th percentile of the national reference group of pupils to which*
3 *the examinations were compared,* the pupil must, in accordance
4 with the requirements set forth in this subsection, complete remedial
5 study that is determined to be appropriate for the pupil.

6 ~~[6-]~~ 5. If a pupil fails to pass the proficiency examination
7 administered before the completion of grade 11, he must not be
8 graduated until he is able, through remedial study, to pass the
9 proficiency examination, but he may be given a certificate of
10 attendance, in place of a diploma, if he has reached the age of 17
11 years.

12 ~~[7-]~~ 6. The State Board shall prescribe standard examinations
13 of achievement and proficiency to be administered pursuant to
14 subsection 1. The high school proficiency examination must *include*
15 *the subjects of reading and mathematics and, except for the*
16 *writing portion prescribed pursuant to NRS 389.550, must* be
17 developed, printed and scored by a nationally recognized testing
18 company in accordance with the process established by the testing
19 company. The examinations on reading, mathematics and science
20 prescribed for grades 4, ~~[8]~~ 7 and 10 must be selected from
21 examinations created by private entities and administered to a
22 national reference group, and must allow for a comparison of the
23 achievement and proficiency of pupils in grades 4, ~~[8]~~ 7 and 10 in
24 this state to that of a national reference group of pupils in grades 4,
25 ~~[8]~~ 7 and 10. The questions contained in the examinations and the
26 approved answers used for grading them are confidential, and
27 disclosure is unlawful except:

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

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

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

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

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

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

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



1 ~~{8. The State Board shall prescribe, in accordance with the~~
2 ~~Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et~~
3 ~~seq., the modifications and accommodations that may be used in the~~
4 ~~administration of an examination to a pupil with a disability who is~~
5 ~~unable to take the examination under regular testing conditions or~~
6 ~~with modifications and accommodations that are approved by the~~
7 ~~private entity that created the examination or, if the Department~~
8 ~~created the examination, by the Department. These regulations may~~
9 ~~include, without limitation, authorizing a pupil to complete an~~
10 ~~examination with additional time.}~~

11 **Sec. 64.** NRS 389.015 is hereby amended to read as follows:

12 389.015 1. The board of trustees of each school district shall
13 administer examinations in all public schools of the school district.
14 The governing body of a charter school shall administer the same
15 examinations in the charter school. The examinations administered
16 by the board of trustees and governing body must determine the
17 achievement and proficiency of pupils in:

- 18 (a) Reading;
19 (b) Mathematics; and
20 (c) Except as otherwise provided in subsection 6, science.

21 2. The examinations required by subsection 1 must be:

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

24 (b) Administered in each school district and each charter school
25 at the same time ~~{}~~ *during the spring semester*. The time for the
26 administration of the examinations must be prescribed by the State
27 Board.

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

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

38 (1) The plan adopted by the Department; and

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

43 (e) Scored by a single private entity that has contracted with the
44 State Board to score the examinations. The private entity that scores



1 the examinations shall report the results of the examinations in the
2 form and by the date required by the Department.

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

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

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

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

26 4. If a pupil fails to demonstrate at least adequate achievement
27 on the examination administered before the completion of grade 4, 7
28 or 10, he may be promoted to the next higher grade, but the results
29 of his examination must be evaluated to determine what remedial
30 study is appropriate. If such a pupil is enrolled at a school that has
31 failed to make adequate yearly progress or in which less than 60
32 percent of the pupils enrolled in grade 4, 7 or 10 in the school who
33 took the examinations administered pursuant to this section received
34 an average score on those examinations that is at least equal to the
35 26th percentile of the national reference group of pupils to which
36 the examinations were compared, the pupil must, in accordance with
37 the requirements set forth in this subsection, complete remedial
38 study that is determined to be appropriate for the pupil.

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



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

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

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

19 (1) State officer who is a member of the executive or
20 legislative branch to the extent that it is necessary for the
21 performance of his duties;

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

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

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

28 (c) That specific questions and answers may be disclosed if the
29 superintendent of public instruction determines that the content of
30 the questions and answers is not being used in a current examination
31 and making the content available to the public poses no threat to the
32 security of the current examination process.

33 **Sec. 65.** NRS 389.015 is hereby amended to read as follows:

34 389.015 1. The board of trustees of each school district shall
35 administer examinations in all public schools of the school district.
36 The governing body of a charter school shall administer the same
37 examinations in the charter school. The examinations administered
38 by the board of trustees and governing body must determine the
39 achievement and proficiency of pupils in:

40 (a) Reading;

41 (b) Mathematics; and

42 (c) ~~[Except as otherwise provided in subsection 6, science.]~~
43 *Science.*

44 2. The examinations required by subsection 1 must be:



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

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

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

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

17 (1) The plan adopted by the Department; and

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

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

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

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

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



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

5 4. If a pupil fails to demonstrate at least adequate achievement
6 on the examination administered before the completion of grade 4, 7
7 or 10, he may be promoted to the next higher grade, but the results
8 of his examination must be evaluated to determine what remedial
9 study is appropriate. If such a pupil is enrolled at a school that has
10 failed to make adequate yearly progress or in which less than 60
11 percent of the pupils enrolled in grade 4, 7 or 10 in the school who
12 took the examinations administered pursuant to this section received
13 an average score on those examinations that is at least equal to the
14 26th percentile of the national reference group of pupils to which
15 the examinations were compared, the pupil must, in accordance with
16 the requirements set forth in this subsection, complete remedial
17 study that is determined to be appropriate for the pupil.

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

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

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

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

43 (1) State officer who is a member of the executive or
44 legislative branch to the extent that it is necessary for the
45 performance of his duties;



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

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

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

7 (c) That specific questions and answers may be disclosed if the
8 superintendent of public instruction determines that the content of
9 the questions and answers is not being used in a current examination
10 and making the content available to the public poses no threat to the
11 security of the current examination process.

12 **Sec. 66.** NRS 389.017 is hereby amended to read as follows:

13 389.017 1. The State Board shall adopt regulations requiring
14 that each board of trustees of a school district and each governing
15 body of a charter school submit to the Superintendent of Public
16 Instruction and the Department, in the form and manner prescribed
17 by the Superintendent, the results of achievement and proficiency
18 examinations ~~[given in the 4th, 8th, 10th and 11th grades]~~
19 *administered pursuant to NRS 389.015* to public school pupils of
20 the district and charter schools. The State Board shall not include in
21 the regulations any provision which would violate the
22 confidentiality of the test scores of any individual pupil.

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

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

28 (b) The average score, as defined by the Department, of pupils
29 who took the examinations with modifications or accommodations ,
30 ~~[approved by the private entity that created the examination or, if~~
31 ~~the Department created the examination, the Department,]~~ if such
32 reporting does not violate the confidentiality of the test scores of any
33 individual pupil.

34 3. ~~[The Department shall adopt regulations prescribing the~~
35 ~~requirements for reporting the scores of pupils who:~~

36 ~~—(a) Took the examinations under conditions that were not~~
37 ~~approved by the private entity that created the examination or, if the~~
38 ~~Department created the examination, by the Department;~~

39 ~~—(b) Are enrolled in special schools for children with disabilities;~~

40 ~~—(c) Are enrolled in an alternative program for the education of~~
41 ~~pupils at risk of dropping out of high school, including, without~~
42 ~~limitation, a program of distance education that is provided to pupils~~
43 ~~who are at risk of dropping out of high school pursuant to NRS~~
44 ~~388.820 to 388.874, inclusive; or~~

45 ~~—(d) Are detained in a:~~



- 1 ~~— (1) Youth training center;~~
- 2 ~~— (2) Youth center;~~
- 3 ~~— (3) Juvenile forestry camp;~~
- 4 ~~— (4) Detention home;~~
- 5 ~~— (5) Youth camp;~~
- 6 ~~— (6) Juvenile correctional institution; or~~
- 7 ~~— (7) Correctional institution.~~

8 ~~The scores reported pursuant to this subsection must not be included~~
9 ~~in the average scores reported pursuant to subsection 2.~~

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

17 ~~[5.]~~ 4. On or before ~~[November 15]~~ *July 1* of each year, each
18 school district and each charter school shall report to the
19 Department the following information for each examination
20 administered in the public schools in the school district or charter
21 school:

- 22 (a) The examination administered;
- 23 (b) The grade level or levels of pupils to whom the examination
24 was administered;
- 25 (c) The costs incurred by the school district or charter school in
26 administering each examination; and
- 27 (d) The purpose, if any, for which the results of the examination
28 are used by the school district or charter school.

29 On or before ~~[December 15]~~ *September 1* of each year, the
30 Department shall transmit to the Budget Division of the Department
31 of Administration and the Fiscal Analysis Division of the
32 Legislative Counsel Bureau the information submitted to the
33 Department pursuant to this subsection.

34 ~~[6.]~~ 5. The superintendent of schools of each school district
35 and the governing body of each charter school shall certify that the
36 number of pupils who took the examinations required pursuant to
37 NRS 389.015 is equal to the number of pupils who are enrolled in
38 each school in the school district or in the charter school who are
39 required to take the examinations . ~~[except for those pupils who are~~
40 ~~exempt from taking the examinations. A pupil may be exempt from~~
41 ~~taking the examinations if:~~

- 42 ~~—(a) His primary language is not English and his proficiency in~~
43 ~~the English language is below the level that the State Board~~
44 ~~determines is proficient, as measured by an assessment of~~



1 ~~proficiency in the English language prescribed by the State Board~~
2 ~~pursuant to subsection 8; or~~

3 ~~—(b) He is enrolled in a program of special education pursuant to~~
4 ~~NRS 388.440 to 388.520, inclusive, and his program of special~~
5 ~~education specifies that he is exempt from taking the examinations;~~

6 ~~—7.] 6.~~ In addition to the information required by subsection ~~[5,]~~
7 ~~4,~~ the Superintendent of Public Instruction shall:

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

11 (b) Reconcile the number of pupils who were required to take
12 the examinations with the number of pupils who were ~~[exempt from~~
13 ~~taking the examinations or]~~ absent from school on the day that the
14 examinations were administered.

15 ~~[8. The State Board shall prescribe an assessment of~~
16 ~~proficiency in the English language for pupils whose primary~~
17 ~~language is not English to determine which pupils are exempt from~~
18 ~~the examinations pursuant to paragraph (a) of subsection 6.]~~

19 **Sec. 67.** NRS 389.550 is hereby amended to read as follows:

20 389.550 1. The State Board shall, in consultation with the
21 Council, prescribe examinations that *comply with 20 U.S.C. §*
22 *6311(b)(3) and that* measure the achievement and proficiency of
23 pupils ~~[in selected grades]~~ :

24 (a) *For grades 3, 5 and 8* in the standards of content established
25 by the Council ~~[that are in addition to the examinations administered~~
26 ~~pursuant to NRS 389.015. The State Board shall, based upon the~~
27 ~~recommendations of the Council, select the grade levels of pupils~~
28 ~~that are required to take the examinations and the standards that the~~
29 ~~examinations must measure.]~~ *for the subjects of English and*
30 *mathematics.*

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

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

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

41 (a) Administered to pupils in each school district and each
42 charter school at the same time ~~[]~~ *during the spring semester,* as
43 prescribed by the State Board.

44 (b) Administered in each school in accordance with uniform
45 procedures adopted by the State Board. The Department shall



1 monitor the school districts and individual schools to ensure
2 compliance with the uniform procedures.

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

9 (1) The plan adopted by the Department; and

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

14 **Sec. 68.** NRS 389.550 is hereby amended to read as follows:

15 389.550 1. The State Board shall, in consultation with the
16 Council, prescribe examinations that comply with 20 U.S.C. §
17 6311(b)(3) and that measure the achievement and proficiency of
18 pupils:

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

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

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

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

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

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

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

42 (c) Administered in each school in accordance with the plan
43 adopted pursuant to NRS 389.616 by the Department and with the
44 plan adopted pursuant to NRS 389.620 by the board of trustees of
45 the school district in which the examinations are administered. The



1 Department shall monitor the compliance of school districts and
2 individual schools with:

- 3 (1) The plan adopted by the Department; and
4 (2) The plan adopted by the board of trustees of the
5 applicable school district, to the extent that the plan adopted by the
6 board of trustees of the school district is consistent with the plan
7 adopted by the Department.

8 **Sec. 69.** NRS 389.560 is hereby amended to read as follows:

9 389.560 1. The State Board shall adopt regulations that
10 require the board of trustees of each school district and the
11 governing body of each charter school to submit to
12 the Superintendent of Public Instruction, the Department and the
13 Council, in the form and manner prescribed by the Superintendent,
14 the results of the examinations administered pursuant to NRS
15 389.550. The State Board shall not include in the regulations any
16 provision that would violate the confidentiality of the test scores of
17 an individual pupil.

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

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

24 (b) The percentage of pupils who have demonstrated
25 proficiency, as defined by the Department, and took the
26 examinations with modifications or accommodations, ~~[approved by~~
27 ~~the private entity that created the examination or, if the Department~~
28 ~~created the examination, the Department,]~~ if such reporting does not
29 violate the confidentiality of the test scores of any individual pupil.

30 3. ~~[The Department shall adopt regulations prescribing the~~
31 ~~requirements for reporting the results of pupils who:~~

32 ~~—(a) Took the examinations under conditions that were not~~
33 ~~approved by the private entity that created the examination or, if the~~
34 ~~Department created the examination, by the Department;~~

35 ~~—(b) Are enrolled in special schools for children with disabilities;~~

36 ~~—(c) Are enrolled in an alternative program for the education of~~
37 ~~pupils at risk of dropping out of high school, including, without~~
38 ~~limitation, a program of distance education that is provided to pupils~~
39 ~~who are at risk of dropping out of high school pursuant to NRS~~
40 ~~388.820 to 388.874, inclusive; or~~

41 ~~—(d) Are detained in a:~~

42 ~~—(1) Youth training center;~~

43 ~~—(2) Youth center;~~

44 ~~—(3) Juvenile forestry camp;~~

45 ~~—(4) Detention home;~~



1 ~~—(5) Youth camp;~~
2 ~~—(6) Juvenile correctional institution; or~~
3 ~~—(7) Correctional institution.~~
4 ~~The results reported pursuant to this subsection must not be included~~
5 ~~in the percentage of pupils reported pursuant to subsection 2.~~
6 ~~—4.]~~ Not later than 10 days after the Department receives the
7 results of the examinations, the Department shall transmit a copy of
8 the results to the Legislative Bureau of Educational Accountability
9 and Program Evaluation in a manner that does not violate the
10 confidentiality of the test scores of any individual pupil.
11 ~~[5.]~~ 4. On or before ~~[November 15]~~ *July 1* of each year, each
12 school district and each charter school shall report to the
13 Department the following information for each examination
14 administered in the public schools in the school district or charter
15 school:
16 (a) The examination administered;
17 (b) The grade level or levels of pupils to whom the examination
18 was administered;
19 (c) The costs incurred by the school district or charter school in
20 administering each examination; and
21 (d) The purpose, if any, for which the results of the examination
22 are used by the school district or charter school.
23 On or before ~~[December 15]~~ *September 1* of each year, the
24 Department shall transmit to the Budget Division of the Department
25 of Administration and the Fiscal Analysis Division of the
26 Legislative Counsel Bureau the information submitted to the
27 Department pursuant to this subsection.
28 ~~[6.]~~ 5. The superintendent of schools of each school district
29 and the governing body of each charter school shall certify that the
30 number of pupils who took the examinations is equal to the number
31 of pupils who are enrolled in each school in the school district or in
32 the charter school who are required to take the examinations . ~~;~~
33 ~~except for those pupils who are exempt from taking the~~
34 ~~examinations. A pupil may be exempt from taking the examinations~~
35 ~~if:~~
36 ~~—(a) His primary language is not English and his proficiency in~~
37 ~~the English language is below the level that the State Board~~
38 ~~determines is proficient, as measured by an assessment of~~
39 ~~proficiency in the English language prescribed by the State Board~~
40 ~~pursuant to subsection 8; or~~
41 ~~—(b) He is enrolled in a program of special education pursuant to~~
42 ~~NRS 388.440 to 388.520, inclusive, and his program of special~~
43 ~~education specifies that he is exempt from taking the examinations.~~
44 ~~—7.]~~ 6. In addition to the information required by subsection ~~[5.]~~
45 *4*, the Superintendent of Public Instruction shall:



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

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

8 ~~{8. The State Board shall prescribe an assessment of~~
9 ~~proficiency in the English language for pupils whose primary~~
10 ~~language is not English to determine which pupils are exempt from~~
11 ~~the examinations pursuant to paragraph (a) of subsection 6.}~~

12 **Sec. 70.** NRS 389.632 is hereby amended to read as follows:

13 389.632 1. Except as otherwise provided in subsection 8, if
14 the Department determines:

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

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

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

26 the Department shall notify the school and the school district in
27 which the school is located that the school is required to provide for
28 an additional administration of the examinations to pupils who are
29 enrolled in a grade that is required to take the examinations pursuant
30 to NRS 389.015, excluding the high school proficiency
31 examination, or to the pupils the Department determines must take
32 the additional administration pursuant to subsection 6. The
33 additional administration must occur in the same school year in
34 which the irregularity described in paragraph (b) occurred. ~~{The}~~

35 *Except as otherwise provided in this subsection, the* school district
36 shall pay for all costs related to the administration of examinations
37 pursuant to this subsection. *If a charter school is required to*
38 *administer examinations pursuant to this subsection, the charter*
39 *school shall pay for all costs related to the administration of the*
40 *examinations to pupils enrolled in the charter school.*

41 2. If the Department determines that:

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



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

5 (c) Based upon the criteria set forth in subsection 5, that the
6 irregularities described in paragraphs (a) and (b) warrant an
7 additional administration of the examinations,
8 the Department shall notify the school and the school district in
9 which the school is located that the school is required to provide for
10 an additional administration of the examinations to pupils who are
11 enrolled in a grade that is required to take the examinations pursuant
12 to NRS 389.550 or to the pupils the Department determines must
13 take the additional administration pursuant to subsection 6. The
14 additional administration must occur in the same school year in
15 which the irregularity described in paragraph (b) occurred. The
16 school district shall pay for all costs related to the administration of
17 examinations pursuant to this subsection.

18 3. If the Department determines that:

19 (a) At least one irregularity in testing administration occurred at
20 a school, including, without limitation, a charter school, during 1
21 school year on the examinations administered pursuant to NRS
22 389.015, excluding the high school proficiency examination;

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

27 (c) Based upon the criteria set forth in subsection 5, that the
28 irregularities described in paragraphs (a) and (b) warrant an
29 additional administration of the examinations,
30 the Department shall notify the school and the school district in
31 which the school is located that the school is required to provide for
32 an additional administration of the examinations to pupils who are
33 enrolled in a grade that is required to take the examinations pursuant
34 to NRS 389.550 or to the pupils the Department determines must
35 take the additional administration pursuant to subsection 6. The
36 additional administration must occur in the same school year in
37 which the irregularity described in paragraph (b) occurred. The
38 school district shall pay for all costs related to the administration of
39 examinations pursuant to this subsection.

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

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



* S B 1 *

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

5 (c) Based upon the criteria set forth in subsection 5, that the
6 irregularities described in paragraphs (a) and (b) warrant an
7 additional administration of the examinations,
8 the Department shall notify the school and the school district in
9 which the school is located that the school is required to provide for
10 an additional administration of the examinations to pupils who are
11 enrolled in a grade that is required to take the examinations pursuant
12 to NRS 389.015, excluding the high school proficiency
13 examination, or to the pupils the Department determines must take
14 the additional administration pursuant to subsection 6. The
15 additional administration must occur in the same school year in
16 which the irregularity described in paragraph (b) occurred. The
17 school district shall pay for all costs related to the administration of
18 examinations pursuant to this subsection.

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

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

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

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

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

41 8. If a school is required to provide an additional
42 administration of examinations pursuant to ~~subsection 2 of NRS~~
43 ~~385.368~~ *section 14 of this act* for a school year, the school is not
44 required to provide for an additional administration pursuant to
45 ~~subsection 1 or 4~~ *this section* in that school year. The Department



1 shall ensure that the information required pursuant to paragraph (b)
2 of subsection 3 of NRS 389.648 is included in its report for the
3 additional administration provided by such a school pursuant to
4 ~~subsection 2 of NRS 385.368.~~ *section 14 of this act.*

5 **Sec. 71.** Chapter 391 of NRS is hereby amended by adding
6 thereto the provisions set forth as sections 72 to 76, inclusive, of this
7 act.

8 **Sec. 72.** *As used in this chapter, unless the context otherwise*
9 *requires, the words and terms defined in NRS 391.005 and section*
10 *73 of this act have the meanings ascribed to them in those*
11 *sections.*

12 **Sec. 73. 1.** *“Paraprofessional” means a person who is*
13 *employed by and assigned by a school district or charter school to:*

- 14 (a) *Provide one-on-one tutoring for a pupil;*
15 (b) *Assist with the management of a classroom, including,*
16 *without limitation, organizing instructional materials;*
17 (c) *Provide assistance in a computer laboratory;*
18 (d) *Conduct parental involvement activities in conjunction*
19 *with one or more duties set forth in this subsection;*
20 (e) *Provide support in a library or media center;*
21 (f) *Except as otherwise provided in subsection 2, provide*
22 *services as a translator; or*
23 (g) *Provide instructional services to pupils under the direct*
24 *supervision of a licensed teacher.*

25 **2.** *The term “paraprofessional” does not include a person*
26 *who:*

- 27 (a) *Is proficient in the English language and a language other*
28 *than English and who provides services as a translator primarily*
29 *to enhance the participation of children in programs that are*
30 *financially supported pursuant to the No Child Left Behind Act of*
31 *2001, 20 U.S.C. §§ 6301 et seq.*

- 32 (b) *Solely conducts parental involvement activities.*

33 **Sec. 74.** *The State Board shall prescribe by regulation at*
34 *least one examination for those paraprofessionals who desire to*
35 *satisfy the requirements of 20 U.S.C. § 6319(c) by passing an*
36 *examination prescribed by this state. The regulations must include*
37 *the passing score required to demonstrate satisfaction of the*
38 *requirements of 20 U.S.C. § 6319(c).*

39 **Sec. 75. 1.** *Upon the request of a parent or legal guardian*
40 *of a pupil who is enrolled in a public school, the board of trustees*
41 *of the school district in which the school is located or the*
42 *governing body of the charter school, as applicable, shall provide*
43 *to the parent or guardian information regarding the professional*
44 *qualifications of the pupil’s teachers. The State Board shall*
45 *prescribe the time by which such information must be provided*



1 *after receipt of the request by the school district or charter school.*
2 *The information provided must include, without limitation:*

3 *(a) For each teacher who provides instruction to the pupil:*
4 *(1) Whether the teacher holds a license for the grade level*
5 *and subject area in which the teacher provides instruction;*

6 *(2) Whether the teacher is:*
7 *(I) Providing instruction pursuant to NRS 391.125;*
8 *(II) Providing instruction pursuant to a waiver of the*
9 *requirements for licensure for the grade level or subject area in*
10 *which the teacher is employed; or*

11 *(III) Otherwise providing instruction without an*
12 *endorsement for the subject area in which the teacher is*
13 *employed; and*

14 *(3) The degree held by the teacher and any other graduate*
15 *certification or degree held by the teacher, including, without*
16 *limitation, the field in which each degree or certification was*
17 *obtained; and*

18 *(b) If a paraprofessional, as defined in section 73 of this act,*
19 *provides services to the pupil, the qualifications of the*
20 *paraprofessional.*

21 *2. At the beginning of each school year, the board of trustees*
22 *of each school district and the governing body of each charter*
23 *school shall provide written notice to the parents and guardians of*
24 *each pupil enrolled in a school within the school district or*
25 *enrolled in the charter school, as applicable, that a parent or*
26 *guardian may request information pursuant to subsection 1. The*
27 *State Board shall prescribe the date by which the notice required*
28 *by this subsection must be provided.*

29 *3. The information required pursuant to subsection 1 and the*
30 *notice required pursuant to subsection 2 must be provided in a*
31 *uniform and understandable format and, to the extent practicable,*
32 *in a language that parents and guardians can understand.*

33 **Sec. 76. 1.** *If a pupil enrolled in a Title I school or a school*
34 *that is designated as needing improvement pursuant to section 16*
35 *of this act:*

36 *(a) Is assigned to a teacher, as his regular classroom teacher,*
37 *who is not highly qualified; or*

38 *(b) Has been taught for 4 consecutive weeks or more by a*
39 *teacher who is not the pupil's regular classroom teacher and who*
40 *is not highly qualified,*
41 *the principal of the school or the administrative head of the*
42 *charter school, as applicable, shall provide notice of that fact to*
43 *the parent or legal guardian of the pupil.*

44 *2. The State Board shall prescribe the date on which the*
45 *notice required by subsection 1 must be provided. The notice must*



1 *be provided in a uniform and understandable format and, to the*
2 *extent practicable, in a language that parents and guardians can*
3 *understand.*

4 3. *As used in this section, "highly qualified" has the meaning*
5 *ascribed to it in 20 U.S.C. § 7801(23).*

6 **Sec. 77.** NRS 391.005 is hereby amended to read as follows:
7 391.005 ~~[As used in this chapter, unless the context otherwise~~
8 ~~requires.]~~ "Commission" means the Commission on Professional
9 Standards in Education.

10 **Sec. 78.** NRS 391.019 is hereby amended to read as follows:
11 391.019 1. Except as otherwise provided in NRS 391.027,
12 the Commission:

13 (a) Shall adopt regulations:

14 (1) Prescribing the qualifications for licensing teachers and
15 other educational personnel , *including, without limitation, the*
16 *qualifications for a license to teach middle school or junior high*
17 *school education,* and the procedures for the issuance and renewal
18 of such licenses.

19 (2) Identifying fields of specialization in teaching which
20 require the specialized training of teachers.

21 (3) Except as otherwise provided in NRS 391.125, requiring
22 teachers to obtain from the Department an endorsement in a field of
23 specialization to be eligible to teach in that field of specialization.

24 (4) Setting forth the educational requirements a teacher must
25 satisfy to qualify for an endorsement in each field of specialization.

26 (5) Setting forth the qualifications and requirements for
27 obtaining a license or endorsement to teach American Sign
28 Language.

29 (b) May adopt such other regulations as it deems necessary for
30 its own government or to carry out its duties.

31 2. Any regulation which increases the amount of education,
32 training or experience required for licensing:

33 (a) Must, in addition to the requirements for publication in
34 chapter 233B of NRS, be publicized before its adoption in a manner
35 reasonably calculated to inform those persons affected by the
36 change.

37 (b) Must not become effective until at least 1 year after the date
38 it is adopted by the Commission.

39 (c) Is not applicable to a license in effect on the date the
40 regulation becomes effective.

41 **Sec. 79.** NRS 391.019 is hereby amended to read as follows:

42 391.019 1. Except as otherwise provided in NRS 391.027,
43 the Commission:

44 (a) Shall adopt regulations:



1 (1) Prescribing the qualifications for licensing teachers and
2 other educational personnel , *including, without limitation, the*
3 *qualifications for a license to teach middle school or junior high*
4 *school education,* and the procedures for the issuance and renewal
5 of such licenses.

6 (2) Identifying fields of specialization in teaching which
7 require the specialized training of teachers.

8 (3) Except as otherwise provided in NRS 391.125, requiring
9 teachers to obtain from the Department an endorsement in a field of
10 specialization to be eligible to teach in that field of specialization.

11 (4) Setting forth the educational requirements a teacher must
12 satisfy to qualify for an endorsement in each field of specialization.

13 (5) Setting forth the qualifications and requirements for
14 obtaining a license or endorsement to teach American Sign
15 Language, including, without limitation, being qualified to engage
16 in the practice of interpreting pursuant to subsection 3 of
17 NRS 656A.100.

18 (6) Except as otherwise authorized by subsection 4 of NRS
19 656A.100, requiring teachers and other educational personnel to
20 satisfy the qualifications set forth in subsection 3 of NRS 656A.100
21 if they:

22 (I) Provide instruction or other educational services; and

23 (II) Concurrently engage in the practice of interpreting, as
24 defined in NRS ~~[656A.040.]~~ *656A.060.*

25 (b) May adopt such other regulations as it deems necessary for
26 its own government or to carry out its duties.

27 2. Any regulation which increases the amount of education,
28 training or experience required for licensing:

29 (a) Must, in addition to the requirements for publication in
30 chapter 233B of NRS, be publicized before its adoption in a manner
31 reasonably calculated to inform those persons affected by the
32 change.

33 (b) Must not become effective until at least 1 year after the date
34 it is adopted by the Commission.

35 (c) Is not applicable to a license in effect on the date the
36 regulation becomes effective.

37 **Sec. 80.** NRS 391.031 is hereby amended to read as follows:

38 391.031 There are the following kinds of licenses for teachers
39 and other educational personnel in this state:

40 1. A license to teach elementary education, which authorizes
41 the holder to teach in any elementary school in the State.

42 2. *A license to teach middle school or junior high school*
43 *education, which authorizes the holder to teach in his major or*
44 *minor field of preparation or in both fields in grades 7, 8 and 9 at*
45 *any middle school or junior high school. He may teach only in*



1 *these fields unless an exception is approved pursuant to*
2 *regulations adopted by the Commission.*

3 3. A license to teach secondary education, which authorizes the
4 holder to teach in his major or minor field of preparation or in both
5 fields in any secondary school. He may teach only in these fields
6 unless an exception is approved pursuant to regulations adopted by
7 the Commission.

8 ~~3.1~~ 4. A special license, which authorizes the holder to teach
9 or perform other educational functions in a school or program as
10 designated in the license.

11 **Sec. 81.** NRS 391.100 is hereby amended to read as follows:

12 391.100 1. The board of trustees of a school district may
13 employ a superintendent of schools, teachers and all other necessary
14 employees.

15 2. *A person who is initially hired by the board of trustees of a*
16 *school district on or after January 8, 2002, to teach in a program*
17 *supported with money from Title I must possess the qualifications*
18 *required by 20 U.S.C. § 6319(a). For the purposes of this*
19 *subsection, a person is not "initially hired" if he has been*
20 *employed as a teacher by another school district or charter school*
21 *in this state without an interruption in employment before the date*
22 *of hire by his current employer.*

23 3. *A person who is employed as a teacher, regardless of the*
24 *date of hire, must possess, on or before July 1, 2006, the*
25 *qualifications required by 20 U.S.C. § 6319(a) if he teaches:*

- 26 (a) *English, reading or language arts;*
27 (b) *Mathematics;*
28 (c) *Science;*
29 (d) *Foreign language;*
30 (e) *Civics or government;*
31 (f) *Economics;*
32 (g) *Geography;*
33 (h) *History; or*
34 (i) *The arts.*

35 4. The board of trustees of a school district:

36 (a) May employ teacher aides and other auxiliary,
37 nonprofessional personnel to assist licensed personnel in the
38 instruction or supervision of children, either in the classroom or at
39 any other place in the school or on the grounds thereof. ~~[-and]~~ *A*
40 *person who is initially hired as a paraprofessional by a school*
41 *district on or after January 8, 2002, to work in a program*
42 *supported with Title I money must possess the qualifications*
43 *required by 20 U.S.C. § 6319(c). A person who is employed as a*
44 *paraprofessional by a school district, regardless of the date of hire,*
45 *to work in a program supported with Title I money must possess,*



1 *on or before January 8, 2006, the qualifications required by 20*
2 *U.S.C. § 6319(c). For the purposes of this paragraph, a person is*
3 *not “initially hired” if he has been employed as a paraprofessional*
4 *by another school district or charter school in this state without an*
5 *interruption in employment before the date of hire by his current*
6 *employer.*

7 (b) Shall establish policies governing the duties and
8 performance of teacher aides.

9 ~~{3-}~~ 5. Each applicant for employment pursuant to this section,
10 except a teacher or other person licensed by the Superintendent of
11 Public Instruction, must, as a condition to employment, submit to
12 the school district a full set of his fingerprints and written
13 permission authorizing the school district to forward the fingerprints
14 to the Federal Bureau of Investigation and the Central Repository
15 for Nevada Records of Criminal History for their reports on the
16 criminal history of the applicant.

17 ~~{4-}~~ 6. Except as otherwise provided in subsection ~~{5-}~~ 7, the
18 board of trustees of a school district shall not require a licensed
19 teacher or other person licensed by the Superintendent of Public
20 Instruction pursuant to NRS 391.033 who has taken a leave of
21 absence from employment authorized by the school district,
22 including, without limitation:

23 (a) Sick leave;
24 (b) Sabbatical leave;
25 (c) Personal leave;
26 (d) Leave for attendance at a regular or special session of the
27 Legislature of this state if the employee is a member thereof;
28 (e) Maternity leave; and
29 (f) Leave permitted by the Family and Medical Leave Act of
30 1993, 29 U.S.C. §§ 2601 et seq.,
31 to submit a set of his fingerprints as a condition of return to or
32 continued employment with the school district if the employee is in
33 good standing when the employee began the leave.

34 ~~{5-}~~ 7. A board of trustees of a school district may ask the
35 Superintendent of Public Instruction to require a person licensed by
36 the Superintendent of Public Instruction pursuant to NRS 391.033
37 who has taken a leave of absence from employment authorized by
38 the school district to submit a set of his fingerprints as a condition of
39 return to or continued employment with the school district if the
40 board of trustees has probable cause to believe that the person has
41 committed a felony or an offense involving moral turpitude during
42 the period of his leave of absence.

43 ~~{6-}~~ 8. The board of trustees of a school district may employ or
44 appoint persons to serve as school police officers. If the board of
45 trustees of a school district employs or appoints persons to serve as



1 school police officers, the board of trustees shall employ a law
2 enforcement officer to serve as the chief of school police who is
3 supervised by the superintendent of schools of the school district.
4 The chief of school police shall supervise each person appointed or
5 employed by the board of trustees as a school police officer. In
6 addition, persons who provide police services pursuant to subsection
7 ~~{7 or 8}~~ **9 or 10** shall be deemed school police officers.

8 ~~{7}~~ **9.** The board of trustees of a school district in a county
9 that has a metropolitan police department created pursuant to
10 chapter 280 of NRS ~~{8}~~ may contract with the metropolitan police
11 department for the provision and supervision of police services in
12 the public schools within the jurisdiction of the metropolitan police
13 department and on property therein that is owned by the school
14 district. If a contract is entered into pursuant to this subsection, the
15 contract must make provision for the transfer of each school police
16 officer employed by the board of trustees to the metropolitan police
17 department. If the board of trustees of a school district contracts
18 with a metropolitan police department pursuant to this subsection,
19 the board of trustees shall, if applicable, cooperate with appropriate
20 local law enforcement agencies within the school district for the
21 provision and supervision of police services in the public schools
22 within the school district and on property owned by the school
23 district, but outside the jurisdiction of the metropolitan police
24 department.

25 ~~{8}~~ **10.** The board of trustees of a school district in a county
26 that does not have a metropolitan police department created
27 pursuant to chapter 280 of NRS may contract with the sheriff of that
28 county for the provision of police services in the public schools
29 within the school district and on property therein that is owned by
30 the school district.

31 **Sec. 82.** NRS 391.125 is hereby amended to read as follows:

32 391.125 1. If the board of trustees of a school district
33 determines that a shortage of teachers exists within the school
34 district in a particular subject area, the board of trustees may submit
35 a written request to the Superintendent of Public Instruction to
36 employ persons who are licensed teachers but who do not hold an
37 endorsement to teach in the subject area for which there is a
38 shortage of teachers ~~{8}~~ ***at a public school within the school district
39 that is not designated as demonstrating need for improvement
40 pursuant to section 16 of this act.*** The Superintendent of Public
41 Instruction may grant such a request if the Superintendent
42 determines that a shortage of teachers exists in the subject area. If
43 the Superintendent of Public Instruction grants a request pursuant to
44 this subsection, a person who holds a license to teach but not an
45 endorsement in the subject area for which the request was granted



1 may be employed by the school district for not more than 2 school
2 years to teach in that subject area ~~[-] at a public school within the~~
3 ~~school district that is not designated as needing improvement~~
4 ~~pursuant to section 16 of this act.~~

5 2. If the Superintendent of Public Instruction grants a request
6 pursuant to subsection 1, the Superintendent shall submit a written
7 report to the Commission that includes the name of the school
8 district for which the request was granted and the subject area for
9 which the request was granted. Upon receipt of such a report, the
10 Commission shall consider whether to adopt revisions to the
11 requirements for an endorsement in that subject area to address
12 the shortage of teachers.

13 **Sec. 83.** NRS 391.273 is hereby amended to read as follows:

14 391.273 1. Except as otherwise provided in subsections 4 and
15 ~~[9,] 10~~, the unlicensed personnel of a school district must be directly
16 supervised by licensed personnel in all duties which are instructional
17 in nature. To the extent practicable, the direct supervision must be
18 such that the unlicensed personnel are in the immediate location of
19 the licensed personnel and are readily available during such times
20 when supervision is required.

21 2. Unlicensed personnel who are exempted pursuant to
22 subsection 4 must be under administrative supervision when
23 performing duties which are instructional in nature.

24 3. Unlicensed personnel may temporarily perform duties under
25 administrative supervision which are not primarily instructional in
26 nature.

27 4. ~~[Upon]~~ *Except as otherwise provided in subsection 5, upon*
28 application by a superintendent of schools, the Superintendent of
29 Public Instruction may grant an exemption from the provisions of
30 subsection 1. The Superintendent shall not grant an exemption
31 unless:

32 (a) The duties are within the employee's special expertise or
33 training;

34 (b) The duties relate to the humanities or an elective course of
35 study, or are supplemental to the basic curriculum of a school;

36 (c) The performance of the duties does not result in the
37 replacement of a licensed employee or prevent the employment of a
38 licensed person willing to perform those duties;

39 (d) The secondary or combined school in which the duties will
40 be performed has less than 100 pupils enrolled and is at least 30
41 miles from a school in which the duties are performed by licensed
42 personnel; and

43 (e) The unlicensed employee submits his fingerprints for an
44 investigation pursuant to NRS 391.033.



1 5. *The exemption authorized by subsection 4 does not apply*
2 *to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the*
3 *regulations adopted pursuant thereto require the paraprofessional*
4 *to be directly supervised by a licensed teacher.*

5 6. The Superintendent of Public Instruction shall file a record
6 of all exempt personnel with the clerk of the board of trustees of
7 each local school district, and advise the clerk of any changes
8 therein. The record must contain:

- 9 (a) The name of the exempt employee;
10 (b) The specific instructional duties he may perform;
11 (c) Any terms or conditions of the exemption deemed
12 appropriate by the Superintendent of Public Instruction; and
13 (d) The date the exemption expires or a statement that the
14 exemption is valid as long as the employee remains in the same
15 position at the same school.

16 ~~[6-]~~ 7. The Superintendent of Public Instruction may adopt
17 regulations prescribing the procedure to apply for an exemption
18 pursuant to this section and the criteria for the granting of such
19 exemptions.

20 ~~[7-]~~ 8. Except in an emergency, it is unlawful for the board of
21 trustees of a school district to allow a person employed as a
22 teacher's aide to serve as a teacher unless the person is a legally
23 qualified teacher licensed by the Superintendent of Public
24 Instruction. As used in this subsection, "emergency" means an
25 unforeseen circumstance which requires immediate action and
26 includes the fact that a licensed teacher or substitute teacher is not
27 immediately available.

28 ~~[8-]~~ 9. If the Superintendent of Public Instruction determines
29 that the board of trustees of a school district has violated the
30 provisions of subsection ~~[7-]~~ 8, he shall take such actions as are
31 necessary to reduce the amount of money received by the district
32 pursuant to NRS 387.124 by an amount equal to the product when
33 the following numbers are multiplied together:

- 34 (a) The number of days on which the violation occurred;
35 (b) The number of pupils in the classroom taught by the
36 teacher's aide; and
37 (c) The number of dollars of basic support apportioned to the
38 district per pupil per day pursuant to NRS 387.1233.

39 ~~[9-]~~ 10. The provisions of this section do not apply to
40 unlicensed personnel who are employed by the governing body of a
41 charter school ~~[1-]~~ , *unless a paraprofessional employed by the*
42 *governing body is required to be directly supervised by a licensed*
43 *teacher pursuant to the provisions of 20 U.S.C. § 6319 and the*
44 *regulations adopted pursuant thereto.*



1 **Sec. 84.** NRS 391.520 is hereby amended to read as follows:
2 391.520 1. The Statewide Council shall meet not less than
3 four times per year.

4 2. The Statewide Council shall:

5 (a) Adopt uniform standards for use by the governing body of
6 each regional training program in the review and approval by the
7 governing body of the training to be provided by the regional
8 training program pursuant to NRS 391.540 and 391.544. The
9 standards must ensure that the training provided by the regional
10 training programs *includes activities set forth in 20 U.S.C. §*
11 *7801(34), as appropriate for the type of training offered,* and is of
12 high quality and is effective in addressing the training programs
13 specified in subsection 1 of NRS 391.544.

14 (b) Coordinate the dissemination of information to school
15 districts, administrators and teachers concerning the training,
16 programs and services provided by the regional training programs.

17 (c) Disseminate information to the regional training programs
18 concerning innovative and effective methods to provide professional
19 development.

20 (d) Conduct long-range planning concerning the professional
21 development needs of teachers and administrators employed in this
22 state.

23 (e) Adopt uniform procedures for use by the governing body of
24 each regional training program to report the evaluation conducted
25 pursuant to NRS 391.552.

26 **3. The Statewide Council may:**

27 (a) *Accept gifts and grants from any source for use by the*
28 *Statewide Council in carrying out its duties pursuant to this*
29 *section and accept gifts and grants from any source on behalf of*
30 *one or more regional training programs to assist with the training*
31 *provided pursuant to NRS 391.544; and*

32 (b) *Comply with applicable federal laws and regulations*
33 *governing the provision of federal grants to assist the Statewide*
34 *Council in carrying out its duties pursuant to this section and*
35 *comply with applicable federal laws and regulations governing the*
36 *provision of federal grants to assist with the training provided*
37 *pursuant to NRS 391.544.*

38 **Sec. 85.** NRS 391.536 is hereby amended to read as follows:

39 391.536 **1.** On an annual basis, the governing body of each
40 regional training program shall review the budget for the program
41 and submit a proposed budget to the Legislative Committee on
42 Education. The proposed budget must include, without limitation,
43 the amount of money requested by the governing body to pay for the
44 services of the coordinator of the program appointed pursuant to
45 NRS 391.532. In even-numbered years, the proposed budget must



1 be submitted to the Legislative Committee on Education at least 4
2 months before the commencement of the next regular session of the
3 Legislature.

4 *2. The governing body of a regional training program may:*

5 *(a) Accept gifts and grants from any source to assist the*
6 *governing body in providing the training required by*
7 *NRS 391.544.*

8 *(b) Comply with applicable federal laws and regulations*
9 *governing the provision of federal grants to assist with the training*
10 *provided pursuant to NRS 391.544.*

11 **Sec. 86.** NRS 391.540 is hereby amended to read as follows:

12 391.540 *1.* The governing body of each regional training
13 program shall:

14 ~~1-1~~ *(a)* Adopt a training model, taking into consideration other
15 model programs, including, without limitation, the program used by
16 the Geographic Alliance in Nevada.

17 ~~1-2~~ *(b)* Assess the training needs of teachers and administrators
18 who are employed by the school districts within the primary
19 jurisdiction of the regional training program and adopt priorities of
20 training for the program based upon the assessment of needs. The
21 board of trustees of each such school district may submit
22 recommendations to the appropriate governing body for the types of
23 training that should be offered by the regional training program.

24 ~~1-3~~ *(c)* Prepare a 5-year plan for the regional training program,
25 which includes, without limitation:

26 ~~1-a~~ *(1)* An assessment of the training needs of teachers and
27 administrators who are employed by the school districts within the
28 primary jurisdiction of the regional training program; and

29 ~~1-b~~ *(2)* Specific details of the training that will be offered by
30 the regional training program for the first 2 years covered by the
31 plan.

32 ~~1-4~~ *(d)* Review the 5-year plan on an annual basis and make
33 revisions to the plan as are necessary to serve the training needs of
34 teachers and administrators employed by the school districts within
35 the primary jurisdiction of the regional training program.

36 *2. The Department, the University and Community College*
37 *System of Nevada and the board of trustees of a school district*
38 *may request the governing body of the regional training program*
39 *that serves the school district to provide training, participate in a*
40 *program or otherwise perform a service that is in addition to the*
41 *duties of the regional training program that are set forth in the*
42 *plan adopted pursuant to this section or otherwise required by*
43 *statute. An entity may not represent that a regional training*
44 *program will perform certain duties or otherwise obligate the*
45 *regional training program as part of an application by that entity*



1 *for a grant unless the entity has first obtained the written*
2 *confirmation of the governing body of the regional training*
3 *program to perform those duties or obligations. The governing*
4 *body of a regional training program may, but is not required to,*
5 *grant a request pursuant to this subsection.*

6 **Sec. 87.** NRS 391.544 is hereby amended to read as follows:

7 391.544 1. Based upon the assessment of needs for training
8 within the region and priorities of training adopted by the governing
9 body pursuant to NRS 391.540, each regional training program must
10 provide:

11 (a) Training for teachers in the standards established by the
12 Council to Establish Academic Standards for Public Schools
13 pursuant to NRS 389.520; and

14 (b) At least one of the following types of training:

15 (1) Training for teachers and school administrators in the
16 assessment and measurement of pupil achievement and the effective
17 methods to analyze the test results and scores of pupils to improve
18 the achievement and proficiency of pupils.

19 (2) Training for teachers in specific content areas to enable
20 the teachers to provide a higher level of instruction in their
21 respective fields of teaching. Such training must include instruction
22 in effective methods to teach in a content area provided by teachers
23 who are considered masters in that content area.

24 (3) Training for teachers in the methods to teach basic skills
25 to pupils, such as providing instruction in reading with the use of
26 phonics and providing instruction in basic skills of mathematics
27 computation.

28 2. The training required pursuant to subsection 1 must:

29 (a) *Include the activities set forth in 20 U.S.C. § 7801(34), as*
30 *deemed appropriate by the governing body for the type of training*
31 *offered.*

32 (b) Include appropriate procedures to ensure follow-up training
33 for teachers and administrators who have received training through
34 the program.

35 ~~[(b)]~~ (c) Incorporate training that addresses the educational
36 needs of:

37 (1) Pupils with disabilities who participate in programs of
38 special education; and

39 (2) Pupils ~~[whose primary language is not English.]~~ *who are*
40 *limited English proficient.*

41 3. The governing body of each regional training program shall
42 prepare and maintain a list that identifies programs for the
43 professional development of teachers and administrators that
44 successfully incorporate the standards of content and performance
45 established by the Council to Establish Academic Standards for



1 Public Schools pursuant to NRS 389.520 and other training listed in
2 subsection 1. The governing body shall provide a copy of the list on
3 an annual basis to school districts for dissemination to teachers and
4 administrators.

5 4. A regional training program may include model classrooms
6 that demonstrate the use of educational technology for teaching and
7 learning.

8 *5. A regional training program may contract with the board
9 of trustees of a school district that is served by the regional
10 training program as set forth in NRS 391.512 to provide
11 professional development to the teachers and administrators
12 employed by the school district that is in addition to the training
13 required by this section. Any training provided pursuant to this
14 subsection must include the activities set forth in 20 U.S.C. §
15 7801(34), as deemed appropriate by the governing body for the
16 type of training offered.*

17 *6. To the extent money is available from legislative
18 appropriation or otherwise, a regional training program may
19 provide training to paraprofessionals.*

20 **Sec. 88.** NRS 391.552 is hereby amended to read as follows:

21 391.552 The governing body of each regional training program
22 shall:

23 1. Establish a method for the evaluation of the success of the
24 regional training program. The method must be consistent with the
25 uniform procedures adopted by the Statewide Council pursuant to
26 NRS 391.520.

27 2. On or before July 1 of each year, submit an annual report to
28 the State Board, the Commission, the Legislative Committee on
29 Education and the Legislative Bureau of Educational Accountability
30 and Program Evaluation that includes:

31 (a) The priorities for training adopted by the governing body
32 pursuant to NRS 391.540. ~~{ }~~

33 (b) The type of training offered through the program in the
34 immediately preceding year. ~~{ }~~

35 (c) The number of teachers and administrators who received
36 training through the program in the immediately preceding year. ~~{ }~~

37 (d) *The number of paraprofessionals, if any, who received
38 training through the program in the immediately preceding year.*

39 (e) An evaluation of the success of the program in accordance
40 with the method established pursuant to subsection 1. ~~{ and }~~

41 ~~—(e)}~~ (f) *A description of the gifts and grants, if any, received by
42 the governing body in the immediately preceding year and the gifts
43 and grants, if any, received by the Statewide Council during the
44 immediately preceding year on behalf of the regional training*



1 *program. The description must include the manner in which the*
2 *gifts and grants were expended.*

3 (g) The 5-year plan for the program prepared pursuant to NRS
4 391.540 and any revisions to the plan made by the governing body
5 in the immediately preceding year.

6 **Sec. 89.** Chapter 392 of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *The State Board shall adopt regulations to carry out the*
9 *provisions of 20 U.S.C. § 7912 concerning the choice that must be*
10 *offered to a pupil to attend another public school, including,*
11 *without limitation, a charter school, if the pupil is enrolled in a*
12 *persistently dangerous school or is the victim of a violent offense*
13 *while at school or on the grounds of the school in which he is*
14 *enrolled. The regulations must include the criteria for identifying*
15 *a school as persistently dangerous.*

16 **Sec. 90.** NRS 392.128 is hereby amended to read as follows:

17 392.128 1. Each advisory board to review school attendance
18 created pursuant to NRS 392.126 shall:

19 (a) Review the records of the attendance and truancy of pupils
20 submitted to the advisory board to review school attendance by the
21 board of trustees of the school district pursuant to subsection ~~6~~ 7
22 of NRS 385.347;

23 (b) Identify factors that contribute to the truancy of pupils in the
24 school district;

25 (c) Establish programs to reduce the truancy of pupils in the
26 school district;

27 (d) At least annually, evaluate the effectiveness of those
28 programs;

29 (e) Establish a procedure for schools and school districts for the
30 reporting of the status of pupils as habitual truants; and

31 (f) Inform the parents and legal guardians of the pupils who are
32 enrolled in the schools within the district of the policies and
33 procedures adopted pursuant to the provisions of this section.

34 2. The chairman of an advisory board may divide the advisory
35 board into subcommittees. The advisory board may delegate one or
36 more of the duties of the advisory board to a subcommittee of the
37 advisory board, including, without limitation, holding hearings
38 pursuant to NRS 392.147. If the chairman of an advisory board
39 divides the advisory board into subcommittees, the chairman shall
40 notify the board of trustees of the school district of this action. Upon
41 receipt of such a notice, the board of trustees shall establish rules
42 and procedures for each such subcommittee. A subcommittee shall
43 abide by the applicable rules and procedures when it takes action or
44 makes decisions.



1 3. An advisory board to review school attendance created in a
2 county pursuant to NRS 392.126 may use money appropriated by
3 the Legislature and any other money made available to the advisory
4 board for the use of programs to reduce the truancy of pupils in the
5 school district. The advisory board to review school attendance
6 shall, on a quarterly basis, provide to the board of trustees of the
7 school district an accounting of the money used by the advisory
8 board to review school attendance to reduce the truancy of pupils in
9 the school district.

10 **Sec. 91.** NRS 392.457 is hereby amended to read as follows:

11 392.457 1. The State Board shall, in consultation with the
12 boards of trustees of school districts, educational personnel, local
13 associations and organizations of parents whose children are
14 enrolled in public schools throughout this state and individual
15 parents and legal guardians whose children are enrolled in public
16 schools throughout this state, adopt a policy to encourage effective
17 involvement by parents and families in support of their children and
18 the education of their children. The policy adopted by the State
19 Board must be considered when the Board:

20 (a) Consults with the boards of trustees of school districts in the
21 adoption of policies pursuant to subsection 3; and

22 (b) Interacts with school districts, public schools, educational
23 personnel, parents and legal guardians of pupils, and members of the
24 general public in carrying out its duties pursuant to this title.

25 2. The policy adopted by the State Board pursuant to
26 subsection 1 must include the following elements and goals:

27 (a) Promotion of regular, two-way, meaningful communication
28 between home and school.

29 (b) Promotion and support of responsible parenting.

30 (c) Recognition of the fact that parents and families play an
31 integral role in assisting their children to learn.

32 (d) Promotion of a safe and open atmosphere for parents and
33 families to visit the school that their children attend and active
34 solicitation of parental and familial support and assistance for school
35 programs.

36 (e) Inclusion of parents as full partners in decisions affecting
37 their children and families.

38 (f) Availability of community resources to strengthen and
39 promote school programs, family practices and the achievement of
40 pupils.

41 3. The board of trustees of each school district shall, in
42 consultation with the State Board, educational personnel, local
43 associations and organizations of parents whose children are
44 enrolled in public schools of the school district and individual
45 parents and legal guardians whose children are enrolled in public



1 schools of the school district, adopt policies to encourage effective
2 involvement by parents and families in support of their children and
3 the education of their children. The policies adopted pursuant to this
4 subsection must:

5 (a) Be consistent, to the extent applicable, with the policy
6 adopted by the State Board pursuant to subsection 1; ~~and~~

7 (b) Include the elements and goals specified in subsection 2 ~~and~~;
8 *and*

9 *(c) Comply with the parental involvement policy required by*
10 *the federal No Child Left Behind Act of 2001, as set forth in 20*
11 *U.S.C. § 6318.*

12 4. The State Board and the board of trustees of each school
13 district shall, at least once each year, review and amend their
14 respective policies as necessary.

15 **Sec. 92.** NRS 392.463 is hereby amended to read as follows:

16 392.463 1. *Each school district shall adopt a plan to ensure*
17 *that the public schools within the school district are safe and free*
18 *of controlled substances. The plan must comply with the Safe and*
19 *Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et*
20 *seq.*

21 2. Each school district shall prescribe written rules of behavior
22 required of and prohibited for pupils attending school within their
23 district and shall prescribe appropriate punishments for violations of
24 the rules. If suspension or expulsion is used as a punishment for a
25 violation of the rules, the school district shall follow the procedures
26 in NRS 392.467.

27 ~~2.~~ 3. A copy of the *plan adopted pursuant to subsection 1*
28 *and the* rules of behavior, prescribed punishments and procedures to
29 be followed in imposing punishments *prescribed pursuant to*
30 *subsection 2* must be distributed to each pupil at the beginning of
31 the school year and to each new pupil who enters school during the
32 year. Copies must also be made available for inspection at each
33 school located in that district in an area on the grounds of the school
34 which is open to the public.

35 **Sec. 93.** NRS 392.466 is hereby amended to read as follows:

36 392.466 1. Except as otherwise provided in this section, any
37 pupil who commits a battery which results in the bodily injury of an
38 employee of the school or who sells or distributes any controlled
39 substance while on the premises of any public school, at an activity
40 sponsored by a public school or on any school bus must, for the first
41 occurrence, be suspended or expelled from that school, although he
42 may be placed in another kind of school, for at least a period equal
43 to one semester for that school. For a second occurrence, the pupil
44 must:

45 (a) Be permanently expelled from that school; and



1 (b) Receive equivalent instruction authorized by the State Board
2 pursuant to subsection 1 of NRS 392.070.

3 2. Except as otherwise provided in this section, any pupil who
4 is found in possession of a firearm or a dangerous weapon while on
5 the premises of any public school, at an activity sponsored by a
6 public school or on any school bus must, for the first occurrence, be
7 expelled from the school for a period of not less than 1 year,
8 although he may be placed in another kind of school for a period not
9 to exceed the period of the expulsion. For a second occurrence, the
10 pupil must:

11 (a) Be permanently expelled from the school; and

12 (b) Receive equivalent instruction authorized by the State Board
13 pursuant to subsection 1 of NRS 392.070.

14 The superintendent of schools of a school district may, for good
15 cause shown in a particular case in that school district, allow ~~an~~
16 ~~exception~~ *a modification* to the expulsion requirement of this
17 subsection ~~if~~ *if such modification is set forth in writing.*

18 3. Except as otherwise provided in this section, if a pupil is
19 deemed a habitual disciplinary problem pursuant to NRS 392.4655,
20 the pupil must be suspended or expelled from the school for a period
21 equal to at least one semester for that school. For the period of his
22 suspension or expulsion, the pupil must receive equivalent
23 instruction authorized by the State Board pursuant to subsection 1 of
24 NRS 392.070.

25 4. This section does not prohibit a pupil from having in his
26 possession a knife or firearm with the approval of the principal of
27 the school. A principal may grant such approval only in accordance
28 with the policies or regulations adopted by the board of trustees of
29 the school district.

30 5. Any pupil in grades 1 to 6, inclusive, except a pupil who has
31 been found to have possessed a firearm in violation of subsection 2,
32 may be suspended from school or permanently expelled from school
33 pursuant to this section only after the board of trustees of the school
34 district has reviewed the circumstances and approved this action in
35 accordance with the procedural policy adopted by the board for such
36 issues.

37 6. A pupil who is participating in a program of special
38 education pursuant to NRS 388.520, other than a pupil who is gifted
39 and talented, may, in accordance with the procedural policy adopted
40 by the board of trustees of the school district for such matters, be:

41 (a) Suspended from school pursuant to this section for not more
42 than 10 days. Such a suspension may be imposed pursuant to this
43 paragraph for each occurrence of conduct proscribed by
44 subsection 1.



1 (b) Suspended from school for more than 10 days or
2 permanently expelled from school pursuant to this section only after
3 the board of trustees of the school district has reviewed the
4 circumstances and determined that the action is in compliance with
5 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400
6 et seq.

7 7. As used in this section:

8 (a) "Battery" has the meaning ascribed to it in paragraph (a) of
9 subsection 1 of NRS 200.481.

10 (b) "Dangerous weapon" includes, without limitation, a
11 blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk
12 or dagger, a nunchaku, switchblade knife or trefoil, as defined in
13 NRS 202.350, a butterfly knife or any other knife described in NRS
14 202.350, or any other object which is used, or threatened to be used,
15 in such a manner and under such circumstances as to pose a threat
16 of, or cause, bodily injury to a person.

17 (c) "Firearm" includes, without limitation, any pistol, revolver,
18 shotgun, explosive substance or device, and any other item included
19 within the definition of a "firearm" in 18 U.S.C. § 921, as that
20 section existed on July 1, 1995.

21 **Sec. 94.** NRS 218.5354 is hereby amended to read as follows:

22 218.5354 1. The Committee may:

23 (a) Evaluate, review and comment upon issues related to
24 education within this state, including, but not limited to:

25 (1) Programs to enhance accountability in education;

26 (2) Legislative measures regarding education;

27 (3) *The progress made by this state, the school districts and*
28 *the public schools in this state in satisfying the goals and*
29 *objectives of the federal No Child Left Behind Act of 2001, 20*
30 *U.S.C. §§ 6301 et seq., and the annual measurable objectives*
31 *established by the State Board of Education pursuant to section 5*
32 *of this act;*

33 (4) Methods of financing public education;

34 ~~[(4)]~~ (5) The condition of public education in the elementary
35 and secondary schools;

36 ~~[(5)]~~ (6) The program to reduce the ratio of pupils per class
37 per licensed teacher prescribed in NRS 388.700, 388.710 and
38 388.720;

39 ~~[(6)]~~ (7) The development of any programs to automate the
40 receipt, storage and retrieval of the educational records of pupils;
41 and

42 ~~[(7)]~~ (8) Any other matters that, in the determination of the
43 Committee, affect the education of pupils within this state.

44 (b) Conduct investigations and hold hearings in connection with
45 its duties pursuant to this section.



1 (c) Request that the Legislative Counsel Bureau assist in the
2 research, investigations, hearings and reviews of the Committee.

3 (d) Make recommendations to the Legislature concerning the
4 manner in which public education may be improved.

5 2. The Committee shall:

6 (a) In addition to any standards prescribed by the Department of
7 Education, prescribe standards for the review and evaluation of the
8 reports of *the State Board of Education*, school districts *and public*
9 *schools* pursuant to paragraph (a) of subsection 1 of NRS 385.359.

10 (b) For the purposes set forth in NRS 385.389, recommend to
11 the Department of Education programs of remedial study for each
12 subject tested on the examinations administered pursuant to NRS
13 389.015. In recommending these programs of remedial study, the
14 Committee shall consider programs of remedial study that have
15 proven to be successful in improving the academic achievement of
16 pupils.

17 (c) *Recommend to the Department of Education providers of*
18 *supplemental educational services for inclusion on the list of*
19 *approved providers prepared by the Department pursuant to*
20 *section 40 of this act. In recommending providers, the Committee*
21 *shall consider providers with a demonstrated record of*
22 *effectiveness in improving the academic achievement of pupils.*

23 **Sec. 95.** NRS 218.5356 is hereby amended to read as follows:

24 218.5356 1. The Legislative Bureau of Educational
25 Accountability and Program Evaluation is hereby created within the
26 Fiscal Analysis Division of the Legislative Counsel Bureau. The
27 fiscal analysts shall appoint to the Legislative Bureau of Educational
28 Accountability and Program Evaluation a Chief and such other
29 personnel as the fiscal analysts determine are necessary for the
30 Bureau to carry out its duties pursuant to this section.

31 2. The Bureau shall, as the fiscal analysts determine is
32 necessary or at the request of the Committee:

33 (a) Collect and analyze data and issue written reports
34 concerning:

35 (1) The effectiveness of the provisions of NRS 385.3455 to
36 385.391, inclusive, *and sections 2 to 40, inclusive, of this act*, in
37 improving the accountability of the schools of this state;

38 (2) The statewide program to reduce the ratio of pupils per
39 class per licensed teacher prescribed in NRS 388.700, 388.710 and
40 388.720;

41 (3) The statewide program to educate persons with
42 disabilities that is set forth in chapter 395 of NRS;

43 (4) The results of the examinations of the National
44 Assessment of Educational Progress that are administered pursuant
45 to NRS 389.012; and



1 (5) Any program or legislative measure, the purpose of
2 which is to reform the system of education within this state.

3 (b) Conduct studies and analyses to evaluate the performance
4 and progress of the system of public education within this state.
5 Such studies and analyses may be conducted:

6 (1) As the fiscal analysts determine are necessary; or

7 (2) At the request of the Legislature.

8 This paragraph does not prohibit the Bureau from contracting with a
9 person or entity to conduct studies and analyses on behalf of the
10 Bureau.

11 (c) On or before December 31 of each even-numbered year,
12 submit a written report of its findings pursuant to paragraphs (a) and
13 (b) to the Director of the Legislative Counsel Bureau for
14 transmission to the next regular session of the Legislature. The
15 Bureau shall, on or before December 31 of each odd-numbered year,
16 submit a written report of its findings pursuant to paragraphs (a) and
17 (b) to the Director of the Legislative Counsel Bureau for
18 transmission to the Legislative Commission.

19 3. The Bureau may, pursuant to NRS 218.687, require a
20 school, a school district, the University and Community College
21 System of Nevada or the Department of Education to submit to the
22 Bureau books, papers, records and other information that the Chief
23 of the Bureau determines are necessary to carry out the duties of the
24 Bureau pursuant to this section. An entity whom the Bureau requests
25 to produce records or other information shall provide the records or
26 other information in any readily available format specified by the
27 Bureau.

28 4. Except as otherwise provided in this subsection, any
29 information obtained by the Bureau pursuant to this section shall be
30 deemed a work product that is confidential pursuant to NRS
31 218.625. The Bureau may, at the discretion of the Chief and after
32 submission to the Legislature or Legislative Commission, as
33 appropriate, publish reports of its findings pursuant to paragraphs
34 (a) and (b) of subsection 2.

35 5. This section does not prohibit the Department of Education
36 or the State Board of Education from conducting analyses,
37 submitting reports or otherwise reviewing educational programs in
38 this state.

39 **Sec. 96.** (Deleted.)

40 **Sec. 97.** NRS 354.598 is hereby amended to read as follows:

41 354.598 1. At the time and place advertised for public
42 hearing, or at any time and place to which the public hearing is from
43 time to time adjourned, the governing body shall hold a public
44 hearing on the tentative budget, at which time interested persons
45 must be given an opportunity to be heard.



- 1 2. At the public hearing, the governing body shall indicate
2 changes, if any, to be made in the tentative budget ~~[]~~ and shall
3 adopt a final budget by the favorable votes of a majority of all
4 members of the governing body. Except as otherwise provided in
5 this subsection, the final budget must be adopted on or before June 1
6 of each year. The final budgets of school districts must be adopted
7 on or before June 8 of each year . ~~[and must be accompanied by~~
8 ~~copies of the written report and written procedure prepared pursuant~~
9 ~~to subsection 3 of NRS 385.351.]~~ Should the governing body fail to
10 adopt a final budget that complies with the requirements of law and
11 the regulations of the Committee on Local Government Finance on
12 or before the required date, the budget adopted and used for
13 certification of the combined ad valorem tax rate by the Department
14 of Taxation for the current year, adjusted as to content and rate in
15 such a manner as the Department of Taxation may consider
16 necessary, automatically becomes the budget for the ensuing fiscal
17 year. When a budget has been so adopted by default, the governing
18 body may not reconsider the budget without the express approval of
19 the Department of Taxation. If the default budget creates a
20 combined ad valorem tax rate in excess of the limit imposed by
21 NRS 361.453, the Nevada Tax Commission shall adjust the budget
22 as provided in NRS 361.4547 or 361.455.
- 23 3. The final budget must be certified by a majority of all
24 members of the governing body , and a copy of it, together with an
25 affidavit of proof of publication of the notice of the public hearing,
26 must be transmitted to the Nevada Tax Commission. If a tentative
27 budget is adopted by default as provided in subsection 2, the clerk of
28 the governing body shall certify the budget and transmit to the
29 Nevada Tax Commission a copy of the budget, together with an
30 affidavit of proof of the notice of the public hearing, if that notice
31 was published. Certified copies of the final budget must be
32 distributed as determined by the Department of Taxation.
- 33 4. Upon the adoption of the final budget or the amendment of
34 the budget in accordance with NRS 354.598005, the several
35 amounts stated in it as proposed expenditures are appropriated for
36 the purposes indicated in the budget.
- 37 5. No governing body may adopt any budget which
38 appropriates for any fund any amount in excess of the budget
39 resources of that fund.
- 40 6. If a local government makes a change in its final budget
41 which increases the combined ad valorem tax rate, the local
42 government shall submit the amended final budget to the county
43 auditor within 15 days after making the change.



1 **Sec. 98.** 1. There is hereby appropriated from the State
2 General Fund to the Department of Education the sum of
3 \$9,950,000 for educational technology.

4 2. The Department of Education shall distribute the money
5 appropriated by subsection 1 as follows:

6 (a) For the Commission on Educational Technology to grant
7 money to local school districts for schools within the school district
8 to acquire the minimal level of educational technology that is
9 necessary to provide a networked computer for each classroom, as
10 recommended by the Commission:

11 For the Fiscal Year 2003-2004..... \$1,250,000

12 For the Fiscal Year 2004-2005..... \$1,250,000

13 (b) For the Commission on Educational Technology to provide
14 grants to local school districts for the repair, replacement or upgrade
15 of computer hardware and software, including, without limitation,
16 contracts for maintenance:

17 For the Fiscal Year 2003-2004..... \$2,500,000

18 For the Fiscal Year 2004-2005..... \$2,500,000

19 (c) For the Commission on Educational Technology to grant to
20 local school districts for hardware, software and contracting services
21 to provide or enhance technical support to the school districts:

22 For the Fiscal Year 2003-2004..... \$625,000

23 For the Fiscal Year 2004-2005..... \$625,000

24 (d) For the Commission on Educational Technology to grant to
25 local school districts for pilot programs that demonstrate best
26 practices for the use of educational technology to improve the
27 achievement of pupils:

28 For the Fiscal Year 2003-2004..... \$150,000

29 For the Fiscal Year 2004-2005..... \$150,000

30 (e) For the Commission on Educational Technology to distribute
31 for the KLVX Distance Learning Satellite Service \$400,000

32 (f) For the Commission on Educational Technology to grant to
33 the Division of State Library and Archives of the Department of
34 Cultural Affairs for licenses to allow school libraries access to
35 research databases and other on-line resources appropriate for
36 pupils \$500,000

37 3. The sums appropriated by paragraphs (a) to (d), inclusive, of
38 subsection 2 are available for either fiscal year. Any balance of
39 those sums must not be committed for expenditure after June 30,
40 2005, and reverts to the State General Fund as soon as all payments
41 of money committed have been made.

42 4. Any remaining balance of the appropriation made by
43 paragraphs (e) and (f) of subsection 2 must not be committed for
44 expenditure after June 30, 2005, and reverts to the State General
45 Fund as soon as all payments of money committed have been made.



1 **Sec. 99.** 1. To receive a grant of money pursuant to section
2 98 of this act, a school district must:

3 (a) Complete forms provided by the Superintendent of Public
4 Instruction.

5 (b) Submit a written request to the Commission on Educational
6 Technology that identifies the schools within the school district
7 which need educational technology and the financial needs of those
8 schools to obtain the educational technology.

9 (c) Submit a plan to the Commission on Educational
10 Technology for the use of educational technology to improve the
11 instruction and academic achievement of pupils, based upon the
12 most recent version of the plan adopted by the Commission pursuant
13 to NRS 388.795 for the use of educational technology in the public
14 schools of this state. A school district may, as part of its plan and
15 upon approval of the Commission, elect to use refurbished
16 computers that do not meet the technical standards established by
17 the Commission.

18 (d) Submit a plan for evaluation in accordance with guidelines
19 submitted by the Commission on Educational Technology that
20 includes the effectiveness of the use of educational technology in
21 improving the academic achievement of pupils.

22 (e) Provide any additional information requested by the
23 Commission on Educational Technology.

24 2. The Commission on Educational Technology shall
25 determine the amount of money that must be distributed to school
26 districts based upon the needs of each school district and the wealth
27 of the school district relative to the other school districts in this
28 state.

29 3. A school district that receives a grant of money pursuant to
30 section 98 of this act shall:

31 (a) Account for the money separately; and

32 (b) Use the money to supplement, and not replace, the money
33 that the school district would otherwise expend for educational
34 technology.

35 4. A school district that receives a grant of money pursuant to
36 section 98 of this act shall not use the money to:

37 (a) Settle or arbitrate disputes or negotiate settlements between
38 an organization that represents licensed employees of the school
39 district and the school district.

40 (b) Adjust the schedules of salaries and benefits of the
41 employees of the school district.

42 5. On or before January 1, 2005, each school district that
43 receives a grant of money pursuant to section 98 of this act shall
44 submit to the Department of Education and the Commission on



1 Educational Technology a written report in the format required by
2 the Department. The report must include, without limitation:

3 (a) A statement of the amount of money distributed to the school
4 district pursuant to section 127 of this act;

5 (b) A record of the manner in which the money was expended;

6 (c) The purposes of each such expenditure; and

7 (d) Any other expenditures for similar purposes from other
8 money available to the school district.

9 6. On or before February 1, 2005, the Department of Education
10 shall submit a written summary to the Governor, the Commission on
11 Educational Technology and the Director of the Legislative Counsel
12 Bureau for transmission to the 73rd Session of the Nevada
13 Legislature. The written summary must include, without limitation:

14 (a) The name of each school district that received a grant of
15 money pursuant to section 98 of this act; and

16 (b) A compilation of the reports submitted to the Department
17 pursuant to subsection 5.

18 **Sec. 100.** 1. There is hereby appropriated from the State
19 General Fund to the Interim Finance Committee the following sums
20 for the contractual services of a consultant to provide brochures for
21 the reporting of test scores of pupils and related services:

22 For the Fiscal Year 2003-2004..... \$1,400,000

23 For the Fiscal Year 2004-2005..... \$1,400,000

24 2. The Interim Finance Committee shall select the consultant
25 after issuing a request for proposals. The consultant shall provide
26 brochures for the reporting of test scores of pupils and related
27 services on the examinations that are administered in the subject
28 areas of reading and mathematics for the:

29 (a) Norm-referenced examinations in grades 4 and 7;

30 (b) Initial administration of the high school proficiency
31 examination to pupils in grades 10 or 11, as applicable; and

32 (c) Criterion-referenced examinations in grades 3, 5 and 8.

33 3. The sums appropriated by subsection 1 are available for
34 either fiscal year. Any remaining balance of those sums must not be
35 committed for expenditure after June 30, 2005, and reverts to the
36 State General Fund as soon as all payments of money committed
37 have been made.

38 **Sec. 101.** For the purposes of sections 102, 103 and 104 of this
39 act, the Legislature hereby:

40 1. Recognizes that the State Board of Education initially based
41 its passing score for the mathematics portion of the high school
42 proficiency examination for 2003 on the academic standards for
43 mathematics adopted by the State Board of Education in 1998;

44 2. Recognizes that the State Board of Education has required 3
45 credits of mathematics to graduate from high school beginning in



1 1999 but has not required specific subject area courses in
2 mathematics be taken by pupils;

3 3. Recognizes that some school districts do not require pupils
4 to take the mathematics courses necessary to graduate from high
5 school and pass the mathematics portion of the high school
6 proficiency examination;

7 4. Recognizes that some school districts have not carried out
8 sufficiently rigorous mathematics units for all students in order to
9 meet the academic standards in mathematics; and

10 5. Expresses its dedication to ensuring that each pupil who
11 satisfies the minimum requirements for graduation receives a high
12 school diploma.

13 **Sec. 102.** 1. For the graduating classes of 2003, the
14 Department of Education shall review the passing score for the
15 mathematics portion of the high school proficiency examination
16 and, based upon that review, lower the passing score as appropriate
17 by using a pass rate that provides at least a 95 percent confidence
18 interval for the recommended passing score.

19 2. For the graduating classes of 2004, the Department of
20 Education shall review the passing score for the mathematics
21 portion of the high school proficiency examination and, based upon
22 that review, incrementally increase the passing score from the score
23 that was set pursuant to subsection 1, based upon reliable and valid
24 data concerning the passing rate for the examination.

25 3. Thereafter, the Department of Education shall continue to
26 incrementally increase the passing score for each graduating class,
27 until the passing score established for the graduating class of 2007 is
28 equal to or exceeds the passing score initially established before
29 June 2003 for the graduating class of 2003.

30 4. The provisions of this section do not abrogate the existing
31 requirements for graduation from high school set forth in statute and
32 other requirements prescribed by individual districts, including,
33 without limitation, credit requirements and passage of examinations.

34 **Sec. 103.** 1. If a pupil is a senior in high school during the
35 2002-2003 school year and the pupil satisfies all the requirements
36 for graduation from high school except that the pupil failed to pass
37 the mathematics portion of the high school proficiency examination,
38 the school district and the school in which the pupil is enrolled must
39 allow the pupil to fully participate in the graduation ceremony for
40 the graduating class of 2003 on the presumption that the pupil
41 passed the mathematics portion of the high school proficiency
42 examination.

43 2. After the Department of Education sets a revised passing
44 score pursuant to subsection 2 of section 102 of this act, the pupil
45 must receive a standard high school diploma if the Department



1 determines that the pupil passed the mathematics portion of the
2 examination based upon that revised passing score. The Department
3 of Education shall notify the school districts as soon as possible
4 after the Department determines which pupils passed the
5 mathematics portion of the examination based upon the revised
6 passing score.

7 3. The provisions of this section do not apply to a pupil who
8 failed to pass the reading or writing portion of the examination.

9 **Sec. 104.** 1. The board of trustees of each school district
10 shall:

11 (a) Conduct a review of the minimum credit requirements for
12 mathematics set by the State Board of Education;

13 (b) Determine whether the school district ensures that pupils
14 enrolled in public schools within the school district receive
15 instruction in mathematics that is aligned with the standards adopted
16 by the State Board of Education and the mathematics standards that
17 are tested on the high school proficiency examination;

18 (c) Determine whether adjustments are necessary to the
19 mathematics curriculum and required units of the school district to
20 ensure that the curriculum and required units are aligned with the
21 state standards and the high school proficiency examination; and

22 (d) On or before September 1, 2004, submit the results of its
23 review and study to the Superintendent of Public Instruction.

24 2. The Superintendent of Public Instruction shall compile and
25 analyze the results and information so received from the school
26 districts. Based upon that information, the Superintendent of Public
27 Instruction shall determine the factors that contributed to the
28 unusually low scores on the mathematics portion of the examination
29 taken by the 2003 graduating classes. The Superintendent of Public
30 Instruction shall prepare a written compilation of the reports
31 received pursuant to subsection 1 and a written report of his
32 determination pursuant to this subsection. On or before December 1,
33 2004, the Superintendent of Public Instruction shall submit the
34 compilation, his report and any recommendations for legislation to
35 the Director of the Legislative Counsel Bureau for transmission to
36 the 73rd Session of the Nevada Legislature.

37 **Sec. 105.** 1. The Department of Education shall provide
38 appropriate notice to each teacher employed in this state who will be
39 required to satisfy the requirements of 20 U.S.C. § 6319(a) and who
40 does not currently satisfy those requirements informing the teacher
41 of the additional qualifications the teacher must satisfy on or before
42 July 1, 2006, to meet the requirements of that provision of federal
43 law.

44 2. The board of trustees of each school district and the
45 governing body of each charter school shall provide such



1 information concerning the teachers employed by the school district
2 or charter school as is necessary for the Department to carry out the
3 requirements of this section.

4 **Sec. 106.** Each designation of a public school as
5 demonstrating need for improvement before July 1, 2004, must be
6 counted in determining the number of consecutive years that the
7 school has carried that designation when the Department of
8 Education or the board of trustees of a school district, as applicable,
9 designates public schools on July 1, 2004, pursuant to section 16 of
10 this act.

11 **Sec. 107.** The high school proficiency examination that
12 measures the performance of pupils on the standards of content and
13 performance in science must first be administered to pupils enrolled
14 in grade 11 in the 2007-2008 school year, who must pass the
15 examination before the completion of grade 12 to graduate with a
16 standard high school diploma in the 2008-2009 school year.

17 **Sec. 108.** 1. Notwithstanding the provisions of section 68 of
18 this act to the contrary, the State Board of Education may continue
19 to use the examinations for grades 3, 5 and 8 that are used on or
20 before July 1, 2003, but any new items or questions added to those
21 examinations must be written, developed, printed and scored by a
22 nationally recognized testing company.

23 2. The Department of Education shall conduct, during the
24 2004-2005 school year, a pilot of the examinations required for
25 grades 4, 6 and 7 pursuant to section 68 of this act.

26 3. The Department of Education shall conduct a field test,
27 during the 2004-2005 school year, of any new items or questions
28 added to the examinations required for grades 3, 5 and 8 pursuant to
29 section 68 of this act.

30 **Sec. 109.** 1. The board of trustees of each school district and
31 the governing body of each charter school shall develop a plan that
32 sets forth the steps the district or the governing body will take to
33 ensure that pupils enrolled in schools that are designated as
34 demonstrating need for improvement pursuant to section 16 of this
35 act receive instruction by highly qualified instructional staff,
36 including, without limitation, steps to ensure that poor and minority
37 children are not taught at higher rates than other children by
38 inexperienced, unqualified or out-of-field teachers.

39 2. The board of trustees of each school district and the
40 governing body of each charter school shall, on or before
41 September 1, 2004, submit a copy of the plan to the Legislative
42 Committee on Education.

43 3. The provisions of this section do not supersede, negate or
44 otherwise limit the effect or application of the provisions of chapters
45 288 and 391 of NRS or the rights, remedies and procedures afforded



1 to employees of a school district under the terms of collective
2 bargaining agreements, memoranda of understanding or other such
3 agreements between employees and their employers.

4 **Sec. 110.** 1. The board of trustees of each school district and
5 the governing body of each charter school shall develop a plan that
6 sets forth the manner in which the school district and charter school
7 will provide to parents and guardians of pupils enrolled in the school
8 district or charter school, as applicable, the results of pupils on the
9 examinations administered pursuant to NRS 389.550. The plan must
10 ensure that the parents and guardians of pupils are notified of the
11 results of pupils on the examinations in a timely manner that
12 complies with the requirements of the:

13 (a) No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et
14 seq., including, without limitation, the provisions of that federal law
15 which require public school choice for Title I schools designated as
16 demonstrating need for improvement; and

17 (b) Provisions of sections 2 to 40, inclusive, of this act.

18 2. On or before January 1, 2004, the board of trustees of each
19 school district and the governing body of each charter school shall
20 submit the plan developed pursuant to subsection 1 to the
21 Legislative Committee on Education for its review and comment.

22 **Sec. 111.** 1. On or before July 1, 2006, the Commission on
23 Professional Standards in Education shall adopt regulations pursuant
24 to section 78 of this act prescribing the qualifications for a license to
25 teach middle school or junior high school education. The regulations
26 must comply with the provisions of 20 U.S.C. § 6319(a) and the
27 regulations adopted pursuant thereto.

28 2. On or before September 1, 2004, the State Board of
29 Education shall prepare and submit, in consultation with the
30 Commission on Professional Standards in Education, a plan to the
31 Legislative Committee on Education setting forth the manner in
32 which the State Board proposes to ensure that all persons who are
33 employed by the board of trustees of a school district or the
34 governing body of a charter school to teach:

35 (a) English, reading or language arts;

36 (b) Mathematics;

37 (c) Science;

38 (d) Foreign language;

39 (e) Civics or government;

40 (f) Economics;

41 (g) Geography;

42 (h) History; or

43 (i) The arts,



1 will possess the qualifications required by 20 U.S.C. § 6319(a) and
2 the regulations adopted pursuant thereto. The plan must include a
3 timeline by which the teachers will attain those qualifications.

4 3. After reviewing the plan submitted pursuant to subsection 2,
5 the Legislative Committee on Education shall notify the State Board
6 of Education of the opinion of the Committee regarding the plan.

7 4. The Legislative Committee on Education may make
8 recommendations for appropriate legislation as a result of its review
9 of a plan pursuant to this section.

10 **Sec. 112.** On or before July 1, 2006, the Commission on
11 Professional Standards in Education shall review the regulations
12 adopted by the Commission governing the qualifications for the
13 licensure of teachers and other educational personnel and make such
14 revisions to the regulations as are necessary to ensure compliance
15 with 20 U.S.C. § 6319(a) and the regulations adopted pursuant
16 thereto.

17 **Sec. 113.** 1. The State Board of Education shall submit a
18 draft of the regulations that it proposes to adopt pursuant to sections
19 2 to 40, inclusive, of this act to the Legislative Committee on
20 Education for the review and comment by the Committee.

21 2. After reviewing a regulation submitted pursuant to
22 subsection 1, the Legislative Committee on Education shall notify
23 the State Board of Education of the opinion of the Committee
24 regarding the advisability of adopting the regulation.

25 3. The Legislative Committee on Education may make
26 recommendations for appropriate legislation as a result of its review
27 of regulations pursuant to this section.

28 **Sec. 114.** The Department of Education shall prepare and
29 make available an informational pamphlet for school districts,
30 employees of school districts, parents and legal guardians, and
31 members of the general public that includes information to assist
32 with understanding the provisions of the No Child Left Behind Act
33 of 2001, 20 U.S.C. §§ 6301 et seq., including, without limitation,
34 the text of the pertinent definitions contained in the Act and any
35 explanatory notes that the Department determines may be useful.

36 **Sec. 115.** 1. NRS 385.351, 385.356, 385.363, 385.364,
37 385.365, 385.367, 385.368, 385.369, 385.371, 385.373, 385.375,
38 385.378, 385.381, 385.383 and 385.386 are hereby repealed.

39 2. Sections 38 and 39 of chapter 13, Statutes of Nevada 2001
40 Special Session, at page 190, are hereby repealed.

41 **Sec. 116.** 1. This section and sections 101 to 104, inclusive,
42 of this act become effective upon passage and approval.

43 2. Sections 1 to 7, inclusive, 39, 40, 41, 43, 47 to 51, inclusive,
44 53, 54, 55, 59 to 63, inclusive, 66, 67, 69, 71 to 77, inclusive, 81, 83
45 to 89, inclusive, 91 to 96, inclusive, 98, 99, 100, 105 to 114,



- 1 inclusive, and subsection 2 of section 115 of this act become
- 2 effective on July 1, 2003.
- 3 2. Section 78 of this act becomes effective on July 1, 2003, and
- 4 expires by limitation on June 30, 2005.
- 5 3. Sections 8 to 38, inclusive, 42, 44, 45, 46, 52, 56, 57, 58, 70,
- 6 82, 90, 97 and subsection 1 of section 115 of this act become
- 7 effective on January 1, 2004.
- 8 4. Section 64 of this act becomes effective on July 1, 2004.
- 9 5. Sections 68, 79 and 80 of this act become effective on
- 10 July 1, 2005.
- 11 6. Section 65 of this act becomes effective on July 1, 2007.

**LEADLINES OF REPEALED SECTIONS OF NRS AND
TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA**

385.351 Submission of accountability reports; preparation of additional report; preparation of procedure to improve achievement; inclusion of reports and procedure in final budget; maintenance of information by Department.

385.356 Maintenance of records by Department.

385.363 Annual evaluation and designation of schools by Department; conditions under which Department will not make designation.

385.364 Exemption from designation if insufficient number of pupils take examinations; duty of school district.

385.365 Designations: Demonstrating exemplary, high or adequate achievement.

385.367 Designations: Demonstrating need for improvement; ineligibility for certain money for remedial programs under certain circumstances.

385.368 Designations: Demonstrating need for improvement if school is exempt from initial designation; ineligibility for certain money for remedial programs under certain circumstances.

385.369 Written notice of designations given and reasons for nondesignation.

385.371 Designation as demonstrating need for improvement: Preparation and submission of plan by board of trustees.

385.373 Designation as demonstrating need for improvement: Academic probation; preparation and submission of plan by Department.



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385.375 Designation as demonstrating need for improvement: Continuation of academic probation; preparation and submission of plan by Department; submission of reports by trustees.

385.378 Designation as demonstrating need for improvement: Appointment of panel to supervise academic probation of school; waiver from establishment of panel.

385.381 Powers and duties of panel to supervise academic probation; preparation and submission of written report by panel; written response by school district; follow-up report by board of trustees; duties of Department.

385.383 Additional duties of panel to supervise academic probation if school does not improve achievement.

385.386 Appointment of administrator to oversee school demonstrating need for improvement; powers and duties of administrator; reports by trustees after termination of administrator.

Section 38 of chapter 13, Statutes of Nevada 2001 Special Session:

Sec. 38. Commencing in the 2003-2004 school year, the high school proficiency examination that, pursuant to NRS 389.015, pupils must pass to receive a standard high school diploma must measure the performance of pupils on the standards of content and performance in science established by the council to establish academic standards for public schools pursuant to NRS 389.520 and adopted by the state board of education. The high school proficiency examination that measures the performance of pupils in the standards of content and performance in science established by the council to establish academic standards for public schools must first be administered to pupils enrolled in grade 11 in the 2003-2004 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the 2004-2005 school year. Pupils who graduate in the 2003-2004 school year are not required to pass the examination that measures the performance of pupils on the standards in science established by the council to establish academic standards for public schools, but must pass the examination that is administered to pupils in the immediately preceding school year.



Section 39 of chapter 13, Statutes of Nevada 2001 Special Session:

Sec. 39. Notwithstanding the provisions of NRS 389.015 to the contrary, the board of trustees of a school district and the governing body of a charter school shall, for the 2002-2003 school year, administer the norm-referenced examinations on reading, mathematics and science that are otherwise required to be administered to pupils who are enrolled in grade 8 to pupils who are enrolled in grade 7, rather than to pupils who are enrolled in grade 8. In addition, the results of the examinations administered to pupils enrolled in grade 7 must be reported as the results of the examinations are otherwise reported pursuant to NRS 385.347 and 389.017.

