

CHAPTER.....

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 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.

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

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

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

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

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

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

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

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

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

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

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

Sec. 4. *The provisions of sections 2 to 40, inclusive, of this act do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining*

agreements, memoranda of understanding or other such agreements between employees and their employers.

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

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

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

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

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

(3) Pupils with disabilities; and

(4) Pupils who are limited English proficient;

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

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

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

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

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

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

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

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

(a) As demonstrating exemplary achievement.

(b) As demonstrating high achievement.

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

(a) As demonstrating exemplary achievement.

(b) As demonstrating high achievement.

Sec. 7. 1. *The State Board shall adopt regulations that prescribe, consistent with 20 U.S.C. §§ 6301 et seq. and the*

regulations adopted pursuant thereto, the manner in which pupils enrolled in:

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

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

(c) A program of education that:

(1) Primarily serves pupils with disabilities; or

(2) Is operated within a:

(I) Youth training center;

(II) Youth center;

(III) Juvenile forestry camp;

(IV) Detention home;

(V) Youth camp;

(VI) Juvenile correctional institution;

(VII) Child welfare agency; or

(VIII) Correctional institution,

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

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

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

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

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

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

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

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

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

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

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

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

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

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

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this state as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

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

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

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

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

(k) For each school district, including, without limitation, each charter school in the district, and for this state as a whole, information on the professional qualifications of teachers

employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(s) *The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this state as a whole.*

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

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

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

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

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

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

(z) *The technological facilities and equipment available for educational purposes, reported for each school district, including,*

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

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

- (1) A standard high school diploma.*
- (2) An adjusted diploma.*
- (3) A certificate of attendance.*

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

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this state as a whole.

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

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

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

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

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

must be in a subgroup for that subgroup to yield statistically reliable information.

3. The annual report of accountability must:

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

(b) Be prepared in a concise manner; and

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

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

(a) Governor;

(b) Committee;

(c) Bureau;

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

(e) Board of trustees of each school district; and

(f) Governing body of each charter school.

5. As used in this section:

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

(b) "Paraprofessional" has the meaning ascribed to it in section 73 of this act.

Sec. 9. 1. *The State Board shall prepare a plan to improve the achievement of pupils enrolled in the public schools in this state. The plan:*

(a) Must be prepared in consultation with:

(1) Employees of the Department;

(2) At least one employee of a school district in a county whose population is 100,000 or more, appointed by the Nevada School Boards Association;

(3) At least one employee of a school district in a county whose population is less than 100,000, appointed by the Nevada School Boards Association; and

(4) At least one representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516, appointed by the Council; and

(b) May be prepared in consultation with:

(1) Representatives of institutions of higher education;

(2) Representatives of regional educational laboratories;

(3) Representatives of outside consultant groups;

(4) Representatives of the regional training programs for the professional development of teachers and administrators established pursuant to NRS 391.512;

(5) The Bureau; and

(6) Other persons who the State Board determines are appropriate.

2. A plan to improve the achievement of pupils enrolled in public schools in this state must include:

(a) A review and analysis of the data upon which the report required pursuant to section 8 of this act is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors common among the school districts or charter schools in this state, as revealed by the review and analysis.

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

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this state, including, without limitation, strategies to:

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

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

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this state to include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of millennium scholarships pursuant to NRS 396.911 to 396.938, inclusive; and

(3) The need for a pupil to make informed decisions about his curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.

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

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

(i) *Strategies to improve the allocation of resources from this state, by program and by school district, in a manner that will improve the academic achievement of pupils. If this state has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.*

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

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

3. The State Board shall:

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

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

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

(a) *Governor;*

(b) *Committee;*

(c) *Bureau;*

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

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

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

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

Sec. 10. 1. *The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to section 35 of this act, the plan must also be prepared in consultation with parents and guardians of pupils*

enrolled in the school district and other persons who the board of trustees determines are appropriate.

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

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

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

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

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

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

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

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

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

(4) Manage effectively the discipline of pupils; and

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

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

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

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

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

(i) *Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this state has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.*

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

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

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

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

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

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

(a) *Superintendent of Public Instruction;*

(b) *Governor;*

(c) *State Board;*

(d) *Department;*

(e) *Committee; and*

(f) *Bureau.*

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

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

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

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

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

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each subgroup of pupils identified in paragraph (b) of subsection 1 of section 5 of this act who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

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

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

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

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

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

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

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

(4) Manage effectively the discipline of pupils; and

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

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

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

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

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

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

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

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

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

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

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

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

5. *If a school has been designated as demonstrating need for improvement pursuant to section 16 of this act, the technical assistance partnership or the support team established for the school, as applicable, shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to section 20 or 25 of this act, as applicable. If the school is a Title I school that has been designated as demonstrating need for improvement, the technical assistance partnership or support team established for the school, as applicable, shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the partnership or support team, outside experts.*

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

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

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

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

8. *If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable,*

shall approve the plan or the revised plan if it meets the requirements of this section.

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

- (a) Superintendent of Public Instruction;*
- (b) Governor;*
- (c) State Board;*
- (d) Department;*
- (e) Committee;*
- (f) Bureau; and*
- (g) Board of trustees of the school district in which the school is located.*

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

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

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

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

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

subsection 1 of section 4 of this act did not satisfy the annual measurable objectives of the State Board.

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

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

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

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

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

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

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

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

6. As used in this section:

(a) “Irregularity in testing administration” has the meaning ascribed to it in NRS 389.604.

(b) “Irregularity in testing security” has the meaning ascribed to it in NRS 389.608.

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

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

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

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

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

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

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

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

1. The Department or its designee shall, to the extent money is available, monitor at the school the administration of the examinations that are required pursuant to NRS 389.550 and

ensure that all eligible pupils who are in attendance on the day of the administration of the examinations are given an opportunity to take the examinations until the percentage of pupils who take the examinations is 95 percent or more of all pupils enrolled in the school who are required to take the examinations.

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 17. 1. *Based upon the information received from the Department pursuant to section 12 of this act, the board of trustees of each school district shall designate, on or before July 1 of each year, each public school in the school district in accordance with section 16 of this act, excluding charter schools sponsored by the State Board. The board of trustees shall make designations for all charter schools that are sponsored by the board of trustees. The Department shall make designations for all charter schools that are sponsored by the State Board. The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.*

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

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

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

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

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

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

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

Sec. 18. 1. *If a public school is designated as demonstrating need for improvement pursuant to section 16 of this*

act and the provisions of section 21, 23 or 29 of this act do not apply, the technical assistance partnership established for the school pursuant to this section shall carry out the requirements of section 20 of this act.

2. Except as otherwise provided in subsection 3, if a public school is designated as demonstrating need for improvement pursuant to section 16 of this act and the provisions of section 21, 23 or 29 of this act do not apply, the board of trustees of the school district shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Must consist of:

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

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

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

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

(a) Must consist of:

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

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

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

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

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

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

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

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

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

(d) An identification of the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

2. Each technical assistance partnership established for a public school shall:

(a) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school; and

(b) Adopt, in consultation with the employees of the school, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to section 11 of this act. The written revisions must:

(1) Include the data and findings of the technical assistance partnership that provide support for the revisions;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the technical assistance partnership, outside experts;

(3) Set forth a timeline to carry out the revisions;

(4) Set forth priorities for the school in carrying out the revisions; and

(5) Set forth the duties of each person who is responsible for carrying out the revisions.

3. On or before November 1 of each year, each technical assistance partnership shall submit the form completed pursuant to subsection 1 to the:

(a) Department;

(b) Bureau;

(c) Board of trustees of the school district or governing body of the charter school, as applicable; and

(d) Principal of the school.

4. The Department shall, in consultation with the Bureau:

(a) Prescribe a form that contains the basic information for a technical assistance partnership to carry out its duties pursuant to subsection 1; and

(b) Make the form available on a computer disc for use by technical assistance partnerships and, upon request, in any other manner deemed reasonable by the Department.

5. Except as otherwise provided in this subsection, each technical assistance partnership shall use the form prescribed by the Department to carry out its duties pursuant to subsection 1. A

school district or governing body of a charter school may prescribe an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

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

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

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

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

(c) Continue the technical assistance partnership for the school.

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

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

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

(2) Continue the technical assistance partnership for the school.

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

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

Sec. 22. *1. In addition to the requirements of section 21 of this act, if a Title I school is designated as demonstrating need for*

improvement pursuant to section 16 of this act for 2 consecutive years for failing to make adequate yearly progress:

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

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

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

(b) If the school is a charter school:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Must consist of, without limitation:

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

(b) At least one representative of the Department;

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

(d) At least one parent or guardian of a pupil who is enrolled in the public school for which the support team is established; and

(e) In addition to the requirements of paragraphs (a) to (d), inclusive, for a charter school:

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

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

2. May consist of, without limitation:

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

(b) Representatives of institutions of higher education;

(c) Representatives of regional educational laboratories;

(d) Representatives of outside consultant groups;

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

(f) The Bureau; and

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

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

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

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

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

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

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

6. Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school. For a charter school sponsored by the State Board, the

support team shall make the recommendations to the State Board and the Department.

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

- (a) Comply with section 11 of this act;*
- (b) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;*
- (c) Include the data and findings of the support team that provide support for the revisions;*
- (d) Set forth goals and objectives for the school that are:*
 - (1) Designed to improve the achievement of the school's pupils;*
 - (2) Specific;*
 - (3) Measurable; and*
 - (4) Conducive to reliable evaluation;*
- (e) Set forth a timeline to carry out the revisions;*
- (f) Set forth priorities for the school in carrying out the revisions; and*
- (g) Set forth the duties of each person who is responsible for carrying out the revisions.*

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

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

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

- (a) Information concerning the most recent plan to improve the achievement of the school's pupils, including, without limitation, an evaluation of:*
 - (1) The appropriateness of the plan for the school; and*
 - (2) Whether the school has achieved the goals and objectives set forth in the plan;*

(b) The written revisions to the plan to improve the achievement of the school's pupils submitted by the support team pursuant to section 25 of this act;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

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

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

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

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

(a) Principal of the school;

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

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

(d) Department; and

(e) Bureau.

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

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

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

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

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

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

(b) If the school is a charter school:

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

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

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

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

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

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

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

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

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

Sec. 28. *1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to section 16 of this act for 3 consecutive years for failing to make adequate yearly progress, the support team established for the school shall consider whether corrective action is appropriate for the school. If the support team determines that corrective action is appropriate, the support team shall make a recommendation to the Department for corrective action for the school, including, without limitation, the type of corrective action that is recommended from the list of corrective actions authorized pursuant to paragraphs (a), (b) and (c). Regardless of whether a support team recommends corrective action for a school, the Department may take one or more of the following corrective actions for the school:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) If the school is a charter school:

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

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

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

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

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

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

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

2. *The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board*

of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

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

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

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

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

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

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

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

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

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

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

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

(a) Notice that the board of trustees or the Department, as applicable, will proceed with consequences or sanctions for the school;

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

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

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

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

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

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

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

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

2. *Before the board of trustees of a school district or the Department takes action pursuant to subsection 1, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and the parents and guardians of pupils enrolled in the school:*

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

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

Sec. 33. *1. On or before July 1 of each year, the Department shall determine whether each school district is making adequate yearly progress, as defined by the State Board pursuant to section 5 of this act. The pupils who are enrolled in a*

charter school, if any, located within a school district must not be included in the determination made for that school district. The determination made for each school district must be based only upon the information and data for those pupils who were enrolled in the school district for a full academic year, regardless of whether those pupils attended more than one school within the school district for that academic year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. On or before August 1 of each year, the Department shall make public the results of the review of school districts pursuant to this section and disseminate the results to school personnel, parents and guardians, pupils and members of the general public. The publication and distribution must be made in the manner set forth in 20 U.S.C. § 6316(c)(1) and the regulations adopted pursuant thereto.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 36. 1. *If a school district is designated as demonstrating need for improvement pursuant to section 35 of this act, the Department shall provide notice of the designation to the parents and guardians of pupils enrolled in the school district on the form prescribed by the Department pursuant to section 39 of this act. The State Board shall prescribe, by regulation, the time by which such notice must be provided.*

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

3. *Except as otherwise provided in section 38 of this act, after providing technical assistance pursuant to subsection 2, the Department may take corrective action in the manner set forth in*

20 U.S.C. § 6316(c)(10) and the regulations adopted pursuant thereto against a school district that is designated as demonstrating need for improvement, including, without limitation, a school district that is not a Title I school district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 40. *1. The Department shall select, in the manner set forth in 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto, providers of supplemental educational services that must be used by Title I schools designated as demonstrating need for improvement pursuant to sections 22, 27 and 30 of this act. In making a selection of providers, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218.5354.*

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

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

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

1. “Charter school” means a public school that is formed pursuant to the provisions of NRS 386.500 to 386.610, inclusive **[H]**, *and section 49 of this act.*

2. “Department” means the Department of Education.

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

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

~~[4-]~~ 5. "State Board" means the State Board of Education.

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

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

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

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

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

Sec. 44. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of a school district shall report the information required by subsection 2 for each charter school within the school district, regardless of the sponsor of the charter school.

2. The board of trustees of each school district shall, on or before ~~[March 31]~~ *August 15* of each year, ~~[report to the residents of the district]~~ *prepare an annual report of accountability* concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for ~~[grades 4, 8, 10 and 11 for]~~ each school in the district and the district as a whole, including, without limitation, each charter school in the district. ~~[Unless otherwise~~

~~directed by the Department, the]~~ *The* board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 *and 389.550* and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;
(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; ~~[and]~~

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school ~~[-~~

~~In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and 11. The results of these examinations for the current school year must be compared with those of previous school years.] ;~~

(4) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

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

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

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

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

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

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

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

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

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

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

(c) *The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each ~~required course of study~~ core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district. ~~and other data concerning licensed and unlicensed employees of the school district.~~*

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

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

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

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

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

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

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

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

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

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

(1) Any special programs for pupils at an individual school;

and

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

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

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

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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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

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

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

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

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

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

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

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

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

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

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of

pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

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

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

- (1) A standard high school diploma.
- (2) An adjusted diploma.
- (3) A certificate of attendance.

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

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. The Superintendent of Public Instruction shall:

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

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts ~~[]~~ *throughout this state.*

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent ~~[Teachers]~~ *Teacher* Association;
- (5) Budget Division of the Department of Administration;

and

(6) Legislative Counsel Bureau,
concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

~~[5-]~~ *6.* The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teachers Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

~~[6-]~~ *7.* On or before April ~~[15]~~ *1* of each year, the board of trustees of each school district shall submit to ~~[each]~~ *:*

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

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

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

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

- (1) Governor;*
- (2) State Board;*
- (3) Department;*
- (4) Committee; and*
- (5) Bureau.*

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

9. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(1) The type of training received; and

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

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

(1) Race;

(2) Ethnicity;

(3) Gender;

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

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

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

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

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

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

(1) The name of the program; and

(2) The costs of the program.

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

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

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

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

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

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

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

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

(a) Legislative Commission;

(b) Committee; and

(c) Department.

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

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

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

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

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

(I) Annual report of accountability prepared by:

(I) The State Board pursuant to section 8 of this act;

and

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

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

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

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

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

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

*(c) Submit a written report to and consult with each school district regarding any methods by which the district may improve the accuracy of the report required pursuant to subsection 2 of NRS 385.347 and the ~~[written report and written procedure required pursuant to NRS 385.351,]~~ plan to improve the achievement of pupils required pursuant to section 10 of this act, and the purposes for which the ~~[reports and written procedure are used; and~~
~~—(c)]~~ report and plan to improve are used.*

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

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

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

(2) The status of each *school district that is designated as demonstrating need for improvement pursuant to section 35 of this act and each* school that is designated as demonstrating need for improvement pursuant to ~~[NRS 385.367 and 385.368:]~~ *section 16 of this act;* and

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

2. The consultant with whom the Bureau contracts to perform the duties required pursuant to subsection 1 ~~[-~~

~~—(a) Must]~~ *must* possess the experience and knowledge necessary to perform those duties, as determined by the Committee. ~~[-and~~

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

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

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

(a) Improve the academic achievement of those pupils; or

(b) Assist those pupils with attaining proficiency in the English language.

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

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

3. ~~[A]~~ *Except as otherwise provided in section 15 of this act, a school district that includes a school [which receives a designation of demonstrating need for improvement pursuant to paragraph (a) of*

~~subsection 1 of NRS 385.367]~~ *described in subsection 2* shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 completes, in accordance with the requirements set forth in subsection ~~[5]~~ *4* of NRS 389.015, remedial study that is determined to be appropriate for the pupil.

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

385.391 *1.* The Department shall adopt:

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

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

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

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

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

~~—3.— section 16 of this act.~~

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

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

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

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

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

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

2. A person who is employed as a paraprofessional by a charter school, regardless of the date of hire, to work in a program

supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c).

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

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

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

386.500 For the purposes of NRS 386.500 to 386.610, inclusive, *and section 49 of this act*, a pupil is “at risk” if he has an economic or academic disadvantage such that he requires special services and assistance to enable him to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils ~~[with limited proficiency in the English language,]~~ *who are limited English proficient*, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

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

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

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

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

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

- (1) English, including reading, composition and writing;
- (2) Mathematics;
- (3) Science; and

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

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

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

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

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

3. *A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if he has been employed as a teacher by another school district or charter school in this state without an interruption in employment before the date of hire by his current employer.*

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

- (a) English, reading or language arts;*
- (b) Mathematics;*
- (c) Science;*
- (d) Foreign language;*
- (e) Civics or government;*
- (f) Economics;*
- (g) Geography;*
- (h) History; or*
- (i) The arts.*

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

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

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

- (a) A master’s degree in school administration, public administration or business administration; or

(b) If the person has at least 5 years of experience in administration, a baccalaureate degree.

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

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

(a) The amount of salary of the employee; and

(b) The designated assignment, as that term is defined by the Department, of the employee.

Sec. 52. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before ~~[January 1]~~ **July 15** of each year, the governing body of each charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees of the school district in which the charter school is located, regardless of the sponsor of the charter school, for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. On or before ~~[April]~~ **August** 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of NRS 385.347 to the Commission on Educational Technology created pursuant to NRS 388.790.

3. ~~[On or before June 15 of each year, the governing body of each charter school shall prepare a:~~

~~—(a) Separate written report summarizing the effectiveness of the charter school's program of accountability. The report must include:~~

~~——(1) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based;~~

~~——(2) The identification of any problems or factors at the charter school that are revealed by the review and analysis; and~~

~~——(3) A summary of the efforts that the governing body has made or intends to make to ensure that the teachers and other educational personnel employed by the governing body receive training and other professional development in:~~

~~——(I) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;~~

~~——(II) The assessment and measurement of pupil achievement and the effective methods to analyze the test results~~

and scores of pupils to improve the achievement and proficiency of pupils; and

~~—(III) Specific content areas to enable the teachers and other educational personnel to provide a higher level of instruction in their respective fields of teaching.~~

~~—(b) Written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to paragraph (a). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.~~

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

~~—(a) Governor;~~

~~—(b) State Board;~~

~~—(c) Department;~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the University and Community College System of Nevada, if that pupil enrolls in the System after graduation from high school;

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

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

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

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

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

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

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

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

(a) Adopt and maintain the program *prescribed by the Superintendent of Public Instruction pursuant to subsection 3* for

the collection, maintenance and transfer of data from the records of individual pupils to the ~~{statewide}~~ automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

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

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

3. The Superintendent of Public Instruction shall:

(a) *Prescribe a uniform program throughout this state for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;*

(b) Prescribe the data to be collected and reported to the Department by each school district pursuant to subsection 2, including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school;

~~{(b)}~~ (c) Prescribe the format for the data;

~~{(c)}~~ (d) Prescribe the date by which each school district shall report the data;

~~{(d)}~~ (e) Prescribe the date by which each charter school located within a school district shall report the data to the school district for incorporation into the report of the school district, regardless of the sponsor of the charter school;

~~{(e)}~~ (f) *Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:*

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the ~~{statewide}~~ automated system of information and comparable to the data reported by other school districts; and

~~{(f)}~~ (h) Provide for the analysis and reporting of the data in the ~~{statewide}~~ automated system of information.

4. *The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without*

limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

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

Sec. 54. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the ~~statewide~~ automated system of information established pursuant to NRS 386.650, comply with the provisions of:

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

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

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

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

provisions of this subsection, regardless of the sponsor of the charter school.

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

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

Sec. 55. NRS 388.405 is hereby amended to read as follows:

388.405 ~~{1.}~~ The State Board ~~{of Education shall establish}~~
shall:

1. Establish a program to teach the English language to pupils ~~{whose:~~

~~—(a) Primary language is not English;~~

~~—(b) Proficiency in the English language is below the average proficiency of pupils at the same age or grade level whose primary language is English; and~~

~~—(c) Probability of success in a classroom in which courses of study are taught only in the English language is impaired because of their limited proficiency in the English language.~~

~~—2. The State Board of Education shall adopt}~~ *who are limited English proficient.*

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

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

(a) Governor;

(b) Committee;

(c) Bureau; and

(d) Board of trustees of each school district.

Sec. 56. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this state. In preparing the plan, the Commission shall consider:

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

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

(c) The information submitted to the Commission by the board of trustees of each school district pursuant to subsection ~~{2 of NRS 385.351;}~~ *7 of NRS 385.347;* and

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

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

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

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

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this state; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, but not limited to, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this state.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this state and any recommendations for legislation.

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

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

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

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

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

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

(a) Graduation requirements;

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

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

(d) Discipline of pupils.

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

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

(b) Ensure that the persons who operate the program on a day-to-day basis comply with and carry out all applicable requirements,

statutes, regulations, rules and policies of the charter school, including, without limitation:

- (1) Graduation requirements;
- (2) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive ~~H~~, *and sections 2 to 40, inclusive, of this act;*
- (3) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and
- (4) Discipline of pupils.

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

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

- (a) Graduation requirements;
- (b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive ~~H~~, *and sections 2 to 40, inclusive, of this act;*
- (c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and
- (d) Discipline of pupils.

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

- (a) Graduation requirements;
- (b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive ~~H~~, *and sections 2 to 40, inclusive, of this act;*
- (c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and
- (d) Discipline of pupils.

3. If a pupil is enrolled part time in a program of distance education, all the applicable requirements, statutes, regulations, rules and policies of the public school of the school district in which the pupil is otherwise enrolled or the charter school in which the

pupil is otherwise enrolled apply to such a pupil, including, without limitation:

- (a) Graduation requirements;
- (b) Accountability of public schools, as set forth in NRS 385.3455 to 385.391, inclusive ~~§~~, *and sections 2 to 40, inclusive, of this act;*
- (c) Provisions governing the attendance and truancy of pupils, as set forth in NRS 392.040 to 392.220, inclusive; and
- (d) Discipline of pupils.

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

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

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

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

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

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

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

(2) Examinations in reading required by subsection 1 in the language most likely to yield accurate and reliable information on what the pupil knows if the board of trustees or the governing body, as applicable, determines that the pupil has not reached a level of English proficiency sufficient to yield valid and reliable information on what the pupil knows. The board of trustees or the

governing body of a charter school, as applicable, may grant exceptions for a particular pupil pursuant to this subparagraph, on a case-by-case basis, for a period not longer than 2 consecutive years.

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

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

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

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

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

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

4. As used in this section:

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

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

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

389.012 The State Board shall:

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

2. Report the results of those examinations to the:

(a) Governor;

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

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

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

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

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

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

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

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

(a) Reading;

(b) ~~Writing;~~

~~—(c)~~ Mathematics; and

~~[(d) Science.]~~

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

2. The examinations required by subsection 1 must be:

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

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

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

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

(1) The plan adopted by the Department; and

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

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

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

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

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

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

~~4. [Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If a pupil with a disability is unable to take an examination created by a private entity under regular testing conditions or with modifications and accommodations that are approved by the private entity, the pupil may take the examination with modifications and accommodations that are approved by the State Board pursuant to subsection 8. If a pupil with a disability is unable to take an examination created by the Department under regular testing conditions or with modifications and accommodations that are approved by the Department, the pupil may take the examination with modifications and accommodations that are approved by the State Board pursuant to subsection 8. The results of an examination that is taken under conditions that are not approved by a private entity or the Department, as applicable, must not be reported pursuant to subsection 2 of NRS 389.017. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the State Board. During the administration of the high school proficiency examination, a pupil with a disability may be given additional time to complete the examination if the additional time is a modification or accommodation that is approved in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.]~~

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

26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

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

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

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

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

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

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

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

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

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

~~[8. The State Board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the modifications and accommodations that may be used in the~~

~~administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions or with modifications and accommodations that are approved by the private entity that created the examination or, if the Department created the examination, by the Department. These regulations may include, without limitation, authorizing a pupil to complete an examination with additional time.]~~

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

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

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

2. The examinations required by subsection 1 must be:

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

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

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

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

(1) The plan adopted by the Department; and

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

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

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction

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

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

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

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

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

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

6. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading and mathematics and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company.

The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this state to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

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

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

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

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

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

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

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

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

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

(a) Reading;

(b) Mathematics; and

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

Science.

2. The examinations required by subsection 1 must be:

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

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

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall

monitor the compliance of school districts and individual schools with the uniform procedures.

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

(1) The plan adopted by the Department; and

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

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

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

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

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

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

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60

percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

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

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

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

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

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

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

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

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

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

Sec. 66. NRS 389.017 is hereby amended to read as follows:

389.017 1. The State Board shall adopt regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the Superintendent of Public Instruction and the Department, in the form and manner prescribed by the Superintendent, the results of achievement and proficiency examinations ~~given in the 4th, 8th, 10th and 11th grades~~ *administered pursuant to NRS 389.015* to public school pupils of the district and charter schools. The State Board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

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

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

(b) The average score, as defined by the Department, of pupils who took the examinations with modifications or accommodations, ~~[approved by the private entity that created the examination or, if the Department created the examination, the Department,]~~ if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. ~~[The Department shall adopt regulations prescribing the requirements for reporting the scores of pupils who:~~

~~—(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the Department created the examination, by the Department;~~

~~—(b) Are enrolled in special schools for children with disabilities;~~

~~—(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school, including, without limitation, a program of distance education that is provided to pupils who are at risk of dropping out of high school pursuant to NRS 388.820 to 388.874, inclusive; or~~

~~—(d) Are detained in a:~~

~~—(1) Youth training center;~~

~~—(2) Youth center;~~

~~—(3) Juvenile forestry camp;~~

~~—(4) Detention home;~~

~~—(5) Youth camp;~~

~~—(6) Juvenile correctional institution; or~~

~~—(7) Correctional institution.~~

~~The scores reported pursuant to this subsection must not be included in the average scores reported pursuant to subsection 2.~~

~~—4.]~~ Not later than 10 days after the Department receives the results of the achievement and proficiency examinations, the Department shall transmit a copy of the results of the examinations

administered pursuant to NRS 389.015 to the Legislative Bureau of Educational Accountability and Program Evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

~~[5.]~~ 4. On or before ~~[November 15]~~ *July 1* of each year, each school district and each charter school shall report to the Department the following information for each examination administered in the public schools in the school district or charter school:

- (a) The examination administered;
- (b) The grade level or levels of pupils to whom the examination was administered;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before ~~[December 15]~~ *September 1* of each year, the Department shall transmit to the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau the information submitted to the Department pursuant to this subsection.

~~[6.]~~ 5. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations. ~~[except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:~~

~~—(a) His primary language is not English and his proficiency in the English language is below the level that the State Board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the State Board pursuant to subsection 8; or~~

~~—(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.~~

~~—7.]~~ 6. In addition to the information required by subsection ~~[5.]~~ 4, the Superintendent of Public Instruction shall:

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

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

~~[8. The State Board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.]~~

Sec. 67. NRS 389.550 is hereby amended to read as follows:

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

(a) For grades 3, 5 and 8 in the standards of content established by the Council ~~[that are in addition to the examinations administered pursuant to NRS 389.015. The State Board shall, based upon the recommendations of the Council, select the grade levels of pupils that are required to take the examinations and the standards that the examinations must measure.]~~ *for the subjects of English and mathematics.*

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

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

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

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

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

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

(1) The plan adopted by the Department; and

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

Sec. 68. NRS 389.550 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

(1) The plan adopted by the Department; and

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

Sec. 69. NRS 389.560 is hereby amended to read as follows:

389.560 1. The State Board shall adopt regulations that require the board of trustees of each school district and the governing body of each charter school to submit to the Superintendent of Public Instruction, the Department and the Council, in the form and manner prescribed by the Superintendent, the results of the examinations administered pursuant to NRS

389.550. The State Board shall not include in the regulations any provision that would violate the confidentiality of the test scores of an individual pupil.

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

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

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

3. ~~[The Department shall adopt regulations prescribing the requirements for reporting the results of pupils who:~~

~~—(a) Took the examinations under conditions that were not approved by the private entity that created the examination or, if the Department created the examination, by the Department;~~

~~—(b) Are enrolled in special schools for children with disabilities;~~

~~—(c) Are enrolled in an alternative program for the education of pupils at risk of dropping out of high school, including, without limitation, a program of distance education that is provided to pupils who are at risk of dropping out of high school pursuant to NRS 388.820 to 388.874, inclusive; or~~

~~—(d) Are detained in a:~~

~~—(1) Youth training center;~~

~~—(2) Youth center;~~

~~—(3) Juvenile forestry camp;~~

~~—(4) Detention home;~~

~~—(5) Youth camp;~~

~~—(6) Juvenile correctional institution; or~~

~~—(7) Correctional institution.~~

~~The results reported pursuant to this subsection must not be included in the percentage of pupils reported pursuant to subsection 2.~~

~~—4.]~~ Not later than 10 days after the Department receives the results of the examinations, the Department shall transmit a copy of the results to the Legislative Bureau of Educational Accountability and Program Evaluation in a manner that does not violate the confidentiality of the test scores of any individual pupil.

~~[5.]~~ 4. On or before ~~[November 15]~~ **July 1** of each year, each school district and each charter school shall report to the Department the following information for each examination administered in the public schools in the school district or charter school:

- (a) The examination administered;
- (b) The grade level or levels of pupils to whom the examination was administered;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

On or before ~~{December 15}~~ *September 1* of each year, the Department shall transmit to the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau the information submitted to the Department pursuant to this subsection.

~~{6.}~~ *5.* The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations . ~~{ except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:~~

~~—(a) His primary language is not English and his proficiency in the English language is below the level that the State Board determines is proficient, as measured by an assessment of proficiency in the English language prescribed by the State Board pursuant to subsection 8; or~~

~~—(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.~~

~~—7.}~~ *6.* In addition to the information required by subsection ~~{5,}~~ *4*, the Superintendent of Public Instruction shall:

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

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

~~{8. The State Board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 6.}~~

Sec. 70. NRS 389.632 is hereby amended to read as follows:

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

(a) That at least one irregularity in testing administration occurred at a school, including, without limitation, a charter school,

during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;

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

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

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

Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.

2. If the Department determines that:

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

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

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

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

3. If the Department determines that:

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

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

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations, the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

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

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

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

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations, the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. The school district shall pay for all costs related to the administration of examinations pursuant to this subsection.

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

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

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

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

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

8. If a school is required to provide an additional administration of examinations pursuant to ~~subsection 2 of NRS 385.368~~ *section 14 of this act* for a school year, the school is not required to provide for an additional administration pursuant to ~~subsection 1 or 4~~ *this section* in that school year. The Department shall ensure that the information required pursuant to paragraph (b) of subsection 3 of NRS 389.648 is included in its report for the additional administration provided by such a school pursuant to ~~subsection 2 of NRS 385.368.~~ *section 14 of this act.*

Sec. 71. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 72 to 76, inclusive, of this act.

Sec. 72. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 391.005 and section 73 of this act have the meanings ascribed to them in those sections.*

Sec. 73. *1. “Paraprofessional” means a person who is employed by and assigned by a school district or charter school to:*

- (a) Provide one-on-one tutoring for a pupil;*
- (b) Assist with the management of a classroom, including, without limitation, organizing instructional materials;*
- (c) Provide assistance in a computer laboratory;*
- (d) Conduct parental involvement activities in conjunction with one or more duties set forth in this subsection;*

- (e) *Provide support in a library or media center;*
- (f) *Except as otherwise provided in subsection 2, provide services as a translator; or*
- (g) *Provide instructional services to pupils under the direct supervision of a licensed teacher.*

2. The term “paraprofessional” does not include a person who:

(a) *Is proficient in the English language and a language other than English and who provides services as a translator primarily to enhance the participation of children in programs that are financially supported pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.*

(b) *Solely conducts parental involvement activities.*

Sec. 74. *The State Board shall prescribe by regulation at least one examination for those paraprofessionals who desire to satisfy the requirements of 20 U.S.C. § 6319(c) by passing an examination prescribed by this state. The regulations must include the passing score required to demonstrate satisfaction of the requirements of 20 U.S.C. § 6319(c).*

Sec. 75. 1. *Upon the request of a parent or legal guardian of a pupil who is enrolled in a public school, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall provide to the parent or guardian information regarding the professional qualifications of the pupil’s teachers. The State Board shall prescribe the time by which such information must be provided after receipt of the request by the school district or charter school. The information provided must include, without limitation:*

- (a) *For each teacher who provides instruction to the pupil:*
 - (1) *Whether the teacher holds a license for the grade level and subject area in which the teacher provides instruction;*
 - (2) *Whether the teacher is:*
 - (I) *Providing instruction pursuant to NRS 391.125;*
 - (II) *Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teacher is employed; or*
 - (III) *Otherwise providing instruction without an endorsement for the subject area in which the teacher is employed; and*
 - (3) *The degree held by the teacher and any other graduate certification or degree held by the teacher, including, without limitation, the field in which each degree or certification was obtained; and*
- (b) *If a paraprofessional, as defined in section 73 of this act, provides services to the pupil, the qualifications of the paraprofessional.*

2. *At the beginning of each school year, the board of trustees of each school district and the governing body of each charter school shall provide written notice to the parents and guardians of each pupil enrolled in a school within the school district or enrolled in the charter school, as applicable, that a parent or guardian may request information pursuant to subsection 1. The State Board shall prescribe the date by which the notice required by this subsection must be provided.*

3. *The information required pursuant to subsection 1 and the notice required pursuant to subsection 2 must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.*

Sec. 76. 1. *If a pupil enrolled in a Title I school or a school that is designated as needing improvement pursuant to section 16 of this act:*

(a) Is assigned to a teacher, as his regular classroom teacher, who is not highly qualified; or

(b) Has been taught for 4 consecutive weeks or more by a teacher who is not the pupil's regular classroom teacher and who is not highly qualified, the principal of the school or the administrative head of the charter school, as applicable, shall provide notice of that fact to the parent or legal guardian of the pupil.

2. *The State Board shall prescribe the date on which the notice required by subsection 1 must be provided. The notice must be provided in a uniform and understandable format and, to the extent practicable, in a language that parents and guardians can understand.*

3. *As used in this section, "highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).*

Sec. 77. NRS 391.005 is hereby amended to read as follows:

391.005 ~~[As used in this chapter, unless the context otherwise requires,]~~ "Commission" means the Commission on Professional Standards in Education.

Sec. 78. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel , *including, without limitation, the qualifications for a license to teach middle school or junior high school education*, and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 79. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel , *including, without limitation, the qualifications for a license to teach middle school or junior high school education*, and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

(6) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS ~~[656A.040.]~~ *656A.060.*

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 80. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this state:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. *A license to teach middle school or junior high school education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.*

3. A license to teach secondary education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

~~[3.]~~ 4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

Sec. 81. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. *A person who is initially hired by the board of trustees of a school district on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not “initially hired” if he has been employed as a teacher by another school district or charter school in this state without an interruption in employment before the date of hire by his current employer.*

3. *A person who is employed as a teacher, regardless of the date of hire, must possess, on or before July 1, 2006, the qualifications required by 20 U.S.C. § 6319(a) if he teaches:*

- (a) English, reading or language arts;*
- (b) Mathematics;*
- (c) Science;*
- (d) Foreign language;*
- (e) Civics or government;*
- (f) Economics;*
- (g) Geography;*
- (h) History; or*
- (i) The arts.*

4. The board of trustees of a school district:

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof. ~~[-; and]~~ *A person who is initially hired as a paraprofessional by a school district on or after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c). A person who is employed as a paraprofessional by a school district, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c). For the purposes of this paragraph, a person is not “initially hired” if he has been employed as a paraprofessional by another school district or charter school in this state without an interruption in employment before the date of hire by his current employer.*

(b) Shall establish policies governing the duties and performance of teacher aides.

~~[3-]~~ 5. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the school district a full set of his fingerprints and written permission authorizing the school district to forward the fingerprints to the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History for their reports on the criminal history of the applicant.

~~[4-]~~ 6. Except as otherwise provided in subsection ~~[5-]~~ 7, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

- (a) Sick leave;

- (b) Sabbatical leave;
 - (c) Personal leave;
 - (d) Leave for attendance at a regular or special session of the Legislature of this state if the employee is a member thereof;
 - (e) Maternity leave; and
 - (f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,
- to submit a set of his fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

~~{5-}~~ 7. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his leave of absence.

~~{6-}~~ 8. The board of trustees of a school district may employ or appoint persons to serve as school police officers. If the board of trustees of a school district employs or appoints persons to serve as school police officers, the board of trustees shall employ a law enforcement officer to serve as the chief of school police who is supervised by the superintendent of schools of the school district. The chief of school police shall supervise each person appointed or employed by the board of trustees as a school police officer. In addition, persons who provide police services pursuant to subsection ~~{7-or-8}~~ 9 or 10 shall be deemed school police officers.

~~{7-}~~ 9. The board of trustees of a school district in a county that has a metropolitan police department created pursuant to chapter 280 of NRS ~~{8-}~~ may contract with the metropolitan police department for the provision and supervision of police services in the public schools within the jurisdiction of the metropolitan police department and on property therein that is owned by the school district. If a contract is entered into pursuant to this subsection, the contract must make provision for the transfer of each school police officer employed by the board of trustees to the metropolitan police department. If the board of trustees of a school district contracts with a metropolitan police department pursuant to this subsection, the board of trustees shall, if applicable, cooperate with appropriate local law enforcement agencies within the school district for the provision and supervision of police services in the public schools within the school district and on property owned by the school district, but outside the jurisdiction of the metropolitan police department.

~~{8.}~~ 10. The board of trustees of a school district in a county that does not have a metropolitan police department created pursuant to chapter 280 of NRS may contract with the sheriff of that county for the provision of police services in the public schools within the school district and on property therein that is owned by the school district.

Sec. 82. NRS 391.125 is hereby amended to read as follows:

391.125 1. If the board of trustees of a school district determines that a shortage of teachers exists within the school district in a particular subject area, the board of trustees may submit a written request to the Superintendent of Public Instruction to employ persons who are licensed teachers but who do not hold an endorsement to teach in the subject area for which there is a shortage of teachers ~~{}~~ *at a public school within the school district that is not designated as demonstrating need for improvement pursuant to section 16 of this act.* The Superintendent of Public Instruction may grant such a request if the Superintendent determines that a shortage of teachers exists in the subject area. If the Superintendent of Public Instruction grants a request pursuant to this subsection, a person who holds a license to teach but not an endorsement in the subject area for which the request was granted may be employed by the school district for not more than 2 school years to teach in that subject area ~~{}~~ *at a public school within the school district that is not designated as needing improvement pursuant to section 16 of this act.*

2. If the Superintendent of Public Instruction grants a request pursuant to subsection 1, the Superintendent shall submit a written report to the Commission that includes the name of the school district for which the request was granted and the subject area for which the request was granted. Upon receipt of such a report, the Commission shall consider whether to adopt revisions to the requirements for an endorsement in that subject area to address the shortage of teachers.

Sec. 83. NRS 391.273 is hereby amended to read as follows:

391.273 1. Except as otherwise provided in subsections 4 and ~~{9.}~~ 10, the unlicensed personnel of a school district must be directly supervised by licensed personnel in all duties which are instructional in nature. To the extent practicable, the direct supervision must be such that the unlicensed personnel are in the immediate location of the licensed personnel and are readily available during such times when supervision is required.

2. Unlicensed personnel who are exempted pursuant to subsection 4 must be under administrative supervision when performing duties which are instructional in nature.

3. Unlicensed personnel may temporarily perform duties under administrative supervision which are not primarily instructional in nature.

4. ~~[Upon]~~ *Except as otherwise provided in subsection 5, upon application by a superintendent of schools, the Superintendent of Public Instruction may grant an exemption from the provisions of subsection 1. The Superintendent shall not grant an exemption unless:*

(a) The duties are within the employee's special expertise or training;

(b) The duties relate to the humanities or an elective course of study, or are supplemental to the basic curriculum of a school;

(c) The performance of the duties does not result in the replacement of a licensed employee or prevent the employment of a licensed person willing to perform those duties;

(d) The secondary or combined school in which the duties will be performed has less than 100 pupils enrolled and is at least 30 miles from a school in which the duties are performed by licensed personnel; and

(e) The unlicensed employee submits his fingerprints for an investigation pursuant to NRS 391.033.

5. *The exemption authorized by subsection 4 does not apply to a paraprofessional if the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto require the paraprofessional to be directly supervised by a licensed teacher.*

6. The Superintendent of Public Instruction shall file a record of all exempt personnel with the clerk of the board of trustees of each local school district, and advise the clerk of any changes therein. The record must contain:

(a) The name of the exempt employee;

(b) The specific instructional duties he may perform;

(c) Any terms or conditions of the exemption deemed appropriate by the Superintendent of Public Instruction; and

(d) The date the exemption expires or a statement that the exemption is valid as long as the employee remains in the same position at the same school.

~~[6-]~~ 7. The Superintendent of Public Instruction may adopt regulations prescribing the procedure to apply for an exemption pursuant to this section and the criteria for the granting of such exemptions.

~~[7-]~~ 8. Except in an emergency, it is unlawful for the board of trustees of a school district to allow a person employed as a teacher's aide to serve as a teacher unless the person is a legally qualified teacher licensed by the Superintendent of Public Instruction. As used in this subsection, "emergency" means an unforeseen circumstance which requires immediate action and

includes the fact that a licensed teacher or substitute teacher is not immediately available.

~~[8.]~~ **9.** If the Superintendent of Public Instruction determines that the board of trustees of a school district has violated the provisions of subsection ~~[7.]~~ **8**, he shall take such actions as are necessary to reduce the amount of money received by the district pursuant to NRS 387.124 by an amount equal to the product when the following numbers are multiplied together:

- (a) The number of days on which the violation occurred;
- (b) The number of pupils in the classroom taught by the teacher's aide; and
- (c) The number of dollars of basic support apportioned to the district per pupil per day pursuant to NRS 387.1233.

~~[9.]~~ **10.** The provisions of this section do not apply to unlicensed personnel who are employed by the governing body of a charter school ~~[.]~~ , *unless a paraprofessional employed by the governing body is required to be directly supervised by a licensed teacher pursuant to the provisions of 20 U.S.C. § 6319 and the regulations adopted pursuant thereto.*

Sec. 84. NRS 391.520 is hereby amended to read as follows:

391.520 1. The Statewide Council shall meet not less than four times per year.

2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to NRS 391.540 and 391.544. The standards must ensure that the training provided by the regional training programs *includes activities set forth in 20 U.S.C. § 7801(34), as appropriate for the type of training offered*, and is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391.544.

(b) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

(c) Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

(d) Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

(e) Adopt uniform procedures for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391.552.

3. *The Statewide Council may:*

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544.

Sec. 85. NRS 391.536 is hereby amended to read as follows:

391.536 **1.** On an annual basis, the governing body of each regional training program shall review the budget for the program and submit a proposed budget to the Legislative Committee on Education. The proposed budget must include, without limitation, the amount of money requested by the governing body to pay for the services of the coordinator of the program appointed pursuant to NRS 391.532. In even-numbered years, the proposed budget must be submitted to the Legislative Committee on Education at least 4 months before the commencement of the next regular session of the Legislature.

2. The governing body of a regional training program may:

(a) Accept gifts and grants from any source to assist the governing body in providing the training required by NRS 391.544.

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544.

Sec. 86. NRS 391.540 is hereby amended to read as follows:

391.540 **1.** The governing body of each regional training program shall:

~~{1-}~~ **(a)** Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

~~{2-}~~ **(b)** Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

~~{3-}~~ **(c)** Prepare a 5-year plan for the regional training program, which includes, without limitation:

~~[(a)]~~ (1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

~~[(b)]~~ (2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.

~~[(4)]~~ (d) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

2. The Department, the University and Community College System of Nevada and the board of trustees of a school district may request the governing body of the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional training program may, but is not required to, grant a request pursuant to this subsection.

Sec. 87. NRS 391.544 is hereby amended to read as follows:

391.544 1. Based upon the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391.540, each regional training program must provide:

(a) Training for teachers in the standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520; and

(b) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) Training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of

phonics and providing instruction in basic skills of mathematics computation.

2. The training required pursuant to subsection 1 must:

(a) *Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.*

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

~~[(b)]~~ (c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils ~~[whose primary language is not English.]~~ *who are limited English proficient.*

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and other training listed in subsection 1. The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 88. NRS 391.552 is hereby amended to read as follows:

391.552 The governing body of each regional training program shall:

1. Establish a method for the evaluation of the success of the regional training program. The method must be consistent with the uniform procedures adopted by the Statewide Council pursuant to NRS 391.520.

2. On or before July 1 of each year, submit an annual report to the State Board, the Commission, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:

(a) The priorities for training adopted by the governing body pursuant to NRS 391.540. ~~{ }~~

(b) The type of training offered through the program in the immediately preceding year. ~~{ }~~

(c) The number of teachers and administrators who received training through the program in the immediately preceding year. ~~{ }~~

(d) *The number of paraprofessionals, if any, who received training through the program in the immediately preceding year.*

(e) An evaluation of the success of the program in accordance with the method established pursuant to subsection 1. ~~{ -and }~~

~~—(e) { }~~ (f) *A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.*

(g) The 5-year plan for the program prepared pursuant to NRS 391.540 and any revisions to the plan made by the governing body in the immediately preceding year.

Sec. 89. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Board shall adopt regulations to carry out the provisions of 20 U.S.C. § 7912 concerning the choice that must be offered to a pupil to attend another public school, including, without limitation, a charter school, if the pupil is enrolled in a persistently dangerous school or is the victim of a violent offense while at school or on the grounds of the school in which he is enrolled. The regulations must include the criteria for identifying a school as persistently dangerous.

Sec. 90. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection ~~{6}~~ 7 of NRS 385.347;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chairman of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chairman of an advisory board divides the advisory board into subcommittees, the chairman shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 91. NRS 392.457 is hereby amended to read as follows:

392.457 1. The State Board shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this state and individual parents and legal guardians whose children are enrolled in public schools throughout this state, adopt a policy to encourage effective involvement by parents and families in support of their children and the education of their children. The policy adopted by the State Board must be considered when the Board:

(a) Consults with the boards of trustees of school districts in the adoption of policies pursuant to subsection 3; and

(b) Interacts with school districts, public schools, educational personnel, parents and legal guardians of pupils, and members of the general public in carrying out its duties pursuant to this title.

2. The policy adopted by the State Board pursuant to subsection 1 must include the following elements and goals:

(a) Promotion of regular, two-way, meaningful communication between home and school.

(b) Promotion and support of responsible parenting.

(c) Recognition of the fact that parents and families play an integral role in assisting their children to learn.

(d) Promotion of a safe and open atmosphere for parents and families to visit the school that their children attend and active solicitation of parental and familial support and assistance for school programs.

(e) Inclusion of parents as full partners in decisions affecting their children and families.

(f) Availability of community resources to strengthen and promote school programs, family practices and the achievement of pupils.

3. The board of trustees of each school district shall, in consultation with the State Board, educational personnel, local associations and organizations of parents whose children are enrolled in public schools of the school district and individual parents and legal guardians whose children are enrolled in public schools of the school district, adopt policies to encourage effective involvement by parents and families in support of their children and the education of their children. The policies adopted pursuant to this subsection must:

(a) Be consistent, to the extent applicable, with the policy adopted by the State Board pursuant to subsection 1; ~~and~~

(b) Include the elements and goals specified in subsection 2 ~~and~~;

and
(c) *Comply with the parental involvement policy required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.*

4. The State Board and the board of trustees of each school district shall, at least once each year, review and amend their respective policies as necessary.

Sec. 92. NRS 392.463 is hereby amended to read as follows:

392.463 1. *Each school district shall adopt a plan to ensure that the public schools within the school district are safe and free of controlled substances. The plan must comply with the Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101 et seq.*

2. Each school district shall prescribe written rules of behavior required of and prohibited for pupils attending school within their district and shall prescribe appropriate punishments for violations of the rules. If suspension or expulsion is used as a punishment for a violation of the rules, the school district shall follow the procedures in NRS 392.467.

~~2-~~ 3. A copy of the *plan adopted pursuant to subsection 1 and the* rules of behavior, prescribed punishments and procedures to be followed in imposing punishments *prescribed pursuant to subsection 2* must be distributed to each pupil at the beginning of

the school year and to each new pupil who enters school during the year. Copies must also be made available for inspection at each school located in that district in an area on the grounds of the school which is open to the public.

Sec. 93. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or who sells or distributes any controlled substance while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, the pupil must:

(a) Be permanently expelled from that school; and

(b) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070.

2. Except as otherwise provided in this section, any pupil who is found in possession of a firearm or a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be expelled from the school for a period of not less than 1 year, although he may be placed in another kind of school for a period not to exceed the period of the expulsion. For a second occurrence, the pupil must:

(a) Be permanently expelled from the school; and

(b) Receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070.

The superintendent of schools of a school district may, for good cause shown in a particular case in that school district, allow ~~an exception~~ *a modification* to the expulsion requirement of this subsection ~~if such modification is set forth in writing.~~

3. Except as otherwise provided in this section, if a pupil is deemed a habitual disciplinary problem pursuant to NRS 392.4655, the pupil must be suspended or expelled from the school for a period equal to at least one semester for that school. For the period of his suspension or expulsion, the pupil must receive equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070.

4. This section does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

5. Any pupil in grades 1 to 6, inclusive, except a pupil who has been found to have possessed a firearm in violation of subsection 2,

may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

6. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsection 1.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

7. As used in this section:

(a) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) “Dangerous weapon” includes, without limitation, a blackjack, slungshot, billy, sand-club, sandbag, metal knuckles, dirk or dagger, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350, or any other object which is used, or threatened to be used, in such a manner and under such circumstances as to pose a threat of, or cause, bodily injury to a person.

(c) “Firearm” includes, without limitation, any pistol, revolver, shotgun, explosive substance or device, and any other item included within the definition of a “firearm” in 18 U.S.C. § 921, as that section existed on July 1, 1995.

Sec. 94. NRS 218.5354 is hereby amended to read as follows:

218.5354 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this state, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) *The progress made by this state, the school districts and the public schools in this state in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to section 5 of this act;*

(4) Methods of financing public education;

~~[(4)]~~ (5) The condition of public education in the elementary and secondary schools;

~~[(5)]~~ (6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

~~[(6)]~~ (7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

~~[(7)]~~ (8) Any other matters that, in the determination of the Committee, affect the education of pupils within this state.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of *the State Board of Education*, school districts *and public schools* pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to section 40 of this act. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

Sec. 95. NRS 218.5356 is hereby amended to read as follows:

218.5356 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division of the Legislative Counsel Bureau. The fiscal analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the fiscal analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the fiscal analysts determine is necessary or at the request of the Committee:

(a) Collect and analyze data and issue written reports concerning:

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

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this state.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this state. Such studies and analyses may be conducted:

(1) As the fiscal analysts determine are necessary; or

(2) At the request of the Legislature.

This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before December 31 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The Bureau shall, on or before December 31 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission.

3. The Bureau may, pursuant to NRS 218.687, require a school, a school district, the University and Community College System of Nevada or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218.625. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this state.

Sec. 96. (Deleted.)

Sec. 97. NRS 354.598 is hereby amended to read as follows:

354.598 1. At the time and place advertised for public hearing, or at any time and place to which the public hearing is from time to time adjourned, the governing body shall hold a public hearing on the tentative budget, at which time interested persons must be given an opportunity to be heard.

2. At the public hearing, the governing body shall indicate changes, if any, to be made in the tentative budget ~~[]~~ and shall adopt a final budget by the favorable votes of a majority of all members of the governing body. Except as otherwise provided in this subsection, the final budget must be adopted on or before June 1 of each year. The final budgets of school districts must be adopted on or before June 8 of each year . ~~[and must be accompanied by copies of the written report and written procedure prepared pursuant to subsection 3 of NRS 385.351.]~~ Should the governing body fail to adopt a final budget that complies with the requirements of law and the regulations of the Committee on Local Government Finance on or before the required date, the budget adopted and used for certification of the combined ad valorem tax rate by the Department of Taxation for the current year, adjusted as to content and rate in such a manner as the Department of Taxation may consider necessary, automatically becomes the budget for the ensuing fiscal year. When a budget has been so adopted by default, the governing body may not reconsider the budget without the express approval of the Department of Taxation. If the default budget creates a combined ad valorem tax rate in excess of the limit imposed by NRS 361.453, the Nevada Tax Commission shall adjust the budget as provided in NRS 361.4547 or 361.455.

3. The final budget must be certified by a majority of all members of the governing body , and a copy of it, together with an affidavit of proof of publication of the notice of the public hearing, must be transmitted to the Nevada Tax Commission. If a tentative budget is adopted by default as provided in subsection 2, the clerk of the governing body shall certify the budget and transmit to the Nevada Tax Commission a copy of the budget, together with an affidavit of proof of the notice of the public hearing, if that notice was published. Certified copies of the final budget must be distributed as determined by the Department of Taxation.

4. Upon the adoption of the final budget or the amendment of the budget in accordance with NRS 354.598005, the several

amounts stated in it as proposed expenditures are appropriated for the purposes indicated in the budget.

5. No governing body may adopt any budget which appropriates for any fund any amount in excess of the budget resources of that fund.

6. If a local government makes a change in its final budget which increases the combined ad valorem tax rate, the local government shall submit the amended final budget to the county auditor within 15 days after making the change.

Sec. 98. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of \$9,950,000 for educational technology.

2. The Department of Education shall distribute the money appropriated by subsection 1 as follows:

(a) For the Commission on Educational Technology to grant money to local school districts for schools within the school district to acquire the minimal level of educational technology that is necessary to provide a networked computer for each classroom, as recommended by the Commission:

For the Fiscal Year 2003-2004..... \$1,250,000

For the Fiscal Year 2004-2005..... \$1,250,000

(b) For the Commission on Educational Technology to provide grants to local school districts for the repair, replacement or upgrade of computer hardware and software, including, without limitation, contracts for maintenance:

For the Fiscal Year 2003-2004..... \$2,500,000

For the Fiscal Year 2004-2005..... \$2,500,000

(c) For the Commission on Educational Technology to grant to local school districts for hardware, software and contracting services to provide or enhance technical support to the school districts:

For the Fiscal Year 2003-2004..... \$625,000

For the Fiscal Year 2004-2005..... \$625,000

(d) For the Commission on Educational Technology to grant to local school districts for pilot programs that demonstrate best practices for the use of educational technology to improve the achievement of pupils:

For the Fiscal Year 2003-2004..... \$150,000

For the Fiscal Year 2004-2005..... \$150,000

(e) For the Commission on Educational Technology to distribute for the KLVX Distance Learning Satellite Service \$400,000

(f) For the Commission on Educational Technology to grant to the Division of State Library and Archives of the Department of Cultural Affairs for licenses to allow school libraries access to research databases and other on-line resources appropriate for pupils \$500,000

3. The sums appropriated by paragraphs (a) to (d), inclusive, of subsection 2 are available for either fiscal year. Any balance of those sums must not be committed for expenditure after June 30, 2005, and reverts to the State General Fund as soon as all payments of money committed have been made.

4. Any remaining balance of the appropriation made by paragraphs (e) and (f) of subsection 2 must not be committed for expenditure after June 30, 2005, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 99. 1. To receive a grant of money pursuant to section 98 of this act, a school district must:

(a) Complete forms provided by the Superintendent of Public Instruction.

(b) Submit a written request to the Commission on Educational Technology that identifies the schools within the school district which need educational technology and the financial needs of those schools to obtain the educational technology.

(c) Submit a plan to the Commission on Educational Technology for the use of educational technology to improve the instruction and academic achievement of pupils, based upon the most recent version of the plan adopted by the Commission pursuant to NRS 388.795 for the use of educational technology in the public schools of this state. A school district may, as part of its plan and upon approval of the Commission, elect to use refurbished computers that do not meet the technical standards established by the Commission.

(d) Submit a plan for evaluation in accordance with guidelines submitted by the Commission on Educational Technology that includes the effectiveness of the use of educational technology in improving the academic achievement of pupils.

(e) Provide any additional information requested by the Commission on Educational Technology.

2. The Commission on Educational Technology shall determine the amount of money that must be distributed to school districts based upon the needs of each school district and the wealth of the school district relative to the other school districts in this state.

3. A school district that receives a grant of money pursuant to section 98 of this act shall:

(a) Account for the money separately; and

(b) Use the money to supplement, and not replace, the money that the school district would otherwise expend for educational technology.

4. A school district that receives a grant of money pursuant to section 98 of this act shall not use the money to:

(a) Settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district and the school district.

(b) Adjust the schedules of salaries and benefits of the employees of the school district.

5. On or before January 1, 2005, each school district that receives a grant of money pursuant to section 98 of this act shall submit to the Department of Education and the Commission on Educational Technology a written report in the format required by the Department. The report must include, without limitation:

(a) A statement of the amount of money distributed to the school district pursuant to section 127 of this act;

(b) A record of the manner in which the money was expended;

(c) The purposes of each such expenditure; and

(d) Any other expenditures for similar purposes from other money available to the school district.

6. On or before February 1, 2005, the Department of Education shall submit a written summary to the Governor, the Commission on Educational Technology and the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature. The written summary must include, without limitation:

(a) The name of each school district that received a grant of money pursuant to section 98 of this act; and

(b) A compilation of the reports submitted to the Department pursuant to subsection 5.

Sec. 100. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the following sums for the contractual services of a consultant to provide brochures for the reporting of test scores of pupils and related services:

For the Fiscal Year 2003-2004..... \$1,400,000

For the Fiscal Year 2004-2005..... \$1,400,000

2. The Interim Finance Committee shall select the consultant after issuing a request for proposals. The consultant shall provide brochures for the reporting of test scores of pupils and related services on the examinations that are administered in the subject areas of reading and mathematics for the:

(a) Norm-referenced examinations in grades 4 and 7;

(b) Initial administration of the high school proficiency examination to pupils in grades 10 or 11, as applicable; and

(c) Criterion-referenced examinations in grades 3, 5 and 8.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2005, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 101. For the purposes of sections 102, 103 and 104 of this act, the Legislature hereby:

1. Recognizes that the State Board of Education initially based its passing score for the mathematics portion of the high school proficiency examination for 2003 on the academic standards for mathematics adopted by the State Board of Education in 1998;

2. Recognizes that the State Board of Education has required 3 credits of mathematics to graduate from high school beginning in 1999 but has not required specific subject area courses in mathematics be taken by pupils;

3. Recognizes that some school districts do not require pupils to take the mathematics courses necessary to graduate from high school and pass the mathematics portion of the high school proficiency examination;

4. Recognizes that some school districts have not carried out sufficiently rigorous mathematics units for all students in order to meet the academic standards in mathematics; and

5. Expresses its dedication to ensuring that each pupil who satisfies the minimum requirements for graduation receives a high school diploma.

Sec. 102. 1. For the graduating classes of 2003, the Department of Education shall review the passing score for the mathematics portion of the high school proficiency examination and, based upon that review, lower the passing score as appropriate by using a pass rate that provides at least a 95 percent confidence interval for the recommended passing score.

2. For the graduating classes of 2004, the Department of Education shall review the passing score for the mathematics portion of the high school proficiency examination and, based upon that review, incrementally increase the passing score from the score that was set pursuant to subsection 1, based upon reliable and valid data concerning the passing rate for the examination.

3. Thereafter, the Department of Education shall continue to incrementally increase the passing score for each graduating class, until the passing score established for the graduating class of 2007 is equal to or exceeds the passing score initially established before June 2003 for the graduating class of 2003.

4. The provisions of this section do not abrogate the existing requirements for graduation from high school set forth in statute and other requirements prescribed by individual districts, including, without limitation, credit requirements and passage of examinations.

Sec. 103. 1. If a pupil is a senior in high school during the 2002-2003 school year and the pupil satisfies all the requirements for graduation from high school except that the pupil failed to pass the mathematics portion of the high school proficiency examination, the school district and the school in which the pupil is enrolled must

allow the pupil to fully participate in the graduation ceremony for the graduating class of 2003 on the presumption that the pupil passed the mathematics portion of the high school proficiency examination.

2. After the Department of Education sets a revised passing score pursuant to subsection 2 of section 102 of this act, the pupil must receive a standard high school diploma if the Department determines that the pupil passed the mathematics portion of the examination based upon that revised passing score. The Department of Education shall notify the school districts as soon as possible after the Department determines which pupils passed the mathematics portion of the examination based upon the revised passing score.

3. The provisions of this section do not apply to a pupil who failed to pass the reading or writing portion of the examination.

Sec. 104. 1. The board of trustees of each school district shall:

(a) Conduct a review of the minimum credit requirements for mathematics set by the State Board of Education;

(b) Determine whether the school district ensures that pupils enrolled in public schools within the school district receive instruction in mathematics that is aligned with the standards adopted by the State Board of Education and the mathematics standards that are tested on the high school proficiency examination;

(c) Determine whether adjustments are necessary to the mathematics curriculum and required units of the school district to ensure that the curriculum and required units are aligned with the state standards and the high school proficiency examination; and

(d) On or before September 1, 2004, submit the results of its review and study to the Superintendent of Public Instruction.

2. The Superintendent of Public Instruction shall compile and analyze the results and information so received from the school districts. Based upon that information, the Superintendent of Public Instruction shall determine the factors that contributed to the unusually low scores on the mathematics portion of the examination taken by the 2003 graduating classes. The Superintendent of Public Instruction shall prepare a written compilation of the reports received pursuant to subsection 1 and a written report of his determination pursuant to this subsection. On or before December 1, 2004, the Superintendent of Public Instruction shall submit the compilation, his report and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature.

Sec. 105. 1. The Department of Education shall provide appropriate notice to each teacher employed in this state who will be required to satisfy the requirements of 20 U.S.C. § 6319(a) and who

does not currently satisfy those requirements informing the teacher of the additional qualifications the teacher must satisfy on or before July 1, 2006, to meet the requirements of that provision of federal law.

2. The board of trustees of each school district and the governing body of each charter school shall provide such information concerning the teachers employed by the school district or charter school as is necessary for the Department to carry out the requirements of this section.

Sec. 106. Each designation of a public school as demonstrating need for improvement before July 1, 2004, must be counted in determining the number of consecutive years that the school has carried that designation when the Department of Education or the board of trustees of a school district, as applicable, designates public schools on July 1, 2004, pursuant to section 16 of this act.

Sec. 107. The high school proficiency examination that measures the performance of pupils on the standards of content and performance in science must first be administered to pupils enrolled in grade 11 in the 2007-2008 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the 2008-2009 school year.

Sec. 108. 1. Notwithstanding the provisions of section 68 of this act to the contrary, the State Board of Education may continue to use the examinations for grades 3, 5 and 8 that are used on or before July 1, 2003, but any new items or questions added to those examinations must be written, developed, printed and scored by a nationally recognized testing company.

2. The Department of Education shall conduct, during the 2004-2005 school year, a pilot of the examinations required for grades 4, 6 and 7 pursuant to section 68 of this act.

3. The Department of Education shall conduct a field test, during the 2004-2005 school year, of any new items or questions added to the examinations required for grades 3, 5 and 8 pursuant to section 68 of this act.

Sec. 109. 1. The board of trustees of each school district and the governing body of each charter school shall develop a plan that sets forth the steps the district or the governing body will take to ensure that pupils enrolled in schools that are designated as demonstrating need for improvement pursuant to section 16 of this act receive instruction by highly qualified instructional staff, including, without limitation, steps to ensure that poor and minority children are not taught at higher rates than other children by inexperienced, unqualified or out-of-field teachers.

2. The board of trustees of each school district and the governing body of each charter school shall, on or before

September 1, 2004, submit a copy of the plan to the Legislative Committee on Education.

3. The provisions of this section do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 110. 1. The board of trustees of each school district and the governing body of each charter school shall develop a plan that sets forth the manner in which the school district and charter school will provide to parents and guardians of pupils enrolled in the school district or charter school, as applicable, the results of pupils on the examinations administered pursuant to NRS 389.550. The plan must ensure that the parents and guardians of pupils are notified of the results of pupils on the examinations in a timely manner that complies with the requirements of the:

(a) No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., including, without limitation, the provisions of that federal law which require public school choice for Title I schools designated as demonstrating need for improvement; and

(b) Provisions of sections 2 to 40, inclusive, of this act.

2. On or before January 1, 2004, the board of trustees of each school district and the governing body of each charter school shall submit the plan developed pursuant to subsection 1 to the Legislative Committee on Education for its review and comment.

Sec. 111. 1. On or before July 1, 2006, the Commission on Professional Standards in Education shall adopt regulations pursuant to section 78 of this act prescribing the qualifications for a license to teach middle school or junior high school education. The regulations must comply with the provisions of 20 U.S.C. § 6319(a) and the regulations adopted pursuant thereto.

2. On or before September 1, 2004, the State Board of Education shall prepare and submit, in consultation with the Commission on Professional Standards in Education, a plan to the Legislative Committee on Education setting forth the manner in which the State Board proposes to ensure that all persons who are employed by the board of trustees of a school district or the governing body of a charter school to teach:

(a) English, reading or language arts;

(b) Mathematics;

(c) Science;

(d) Foreign language;

(e) Civics or government;

(f) Economics;

(g) Geography;

- (h) History; or
- (i) The arts,

will possess the qualifications required by 20 U.S.C. § 6319(a) and the regulations adopted pursuant thereto. The plan must include a timeline by which the teachers will attain those qualifications.

3. After reviewing the plan submitted pursuant to subsection 2, the Legislative Committee on Education shall notify the State Board of Education of the opinion of the Committee regarding the plan.

4. The Legislative Committee on Education may make recommendations for appropriate legislation as a result of its review of a plan pursuant to this section.

Sec. 112. On or before July 1, 2006, the Commission on Professional Standards in Education shall review the regulations adopted by the Commission governing the qualifications for the licensure of teachers and other educational personnel and make such revisions to the regulations as are necessary to ensure compliance with 20 U.S.C. § 6319(a) and the regulations adopted pursuant thereto.

Sec. 113. 1. The State Board of Education shall submit a draft of the regulations that it proposes to adopt pursuant to sections 2 to 40, inclusive, of this act to the Legislative Committee on Education for the review and comment by the Committee.

2. After reviewing a regulation submitted pursuant to subsection 1, the Legislative Committee on Education shall notify the State Board of Education of the opinion of the Committee regarding the advisability of adopting the regulation.

3. The Legislative Committee on Education may make recommendations for appropriate legislation as a result of its review of regulations pursuant to this section.

Sec. 114. The Department of Education shall prepare and make available an informational pamphlet for school districts, employees of school districts, parents and legal guardians, and members of the general public that includes information to assist with understanding the provisions of the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., including, without limitation, the text of the pertinent definitions contained in the Act and any explanatory notes that the Department determines may be useful.

Sec. 115. 1. NRS 385.351, 385.356, 385.363, 385.364, 385.365, 385.367, 385.368, 385.369, 385.371, 385.373, 385.375, 385.378, 385.381, 385.383 and 385.386 are hereby repealed.

2. Sections 38 and 39 of chapter 13, Statutes of Nevada 2001 Special Session, at page 190, are hereby repealed.

Sec. 116. 1. This section and sections 101 to 104, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, 39, 40, 41, 43, 47 to 51, inclusive, 53, 54, 55, 59 to 63, inclusive, 66, 67, 69, 71 to 77, inclusive, 81, 83

to 89, inclusive, 91 to 96, inclusive, 98, 99, 100, 105 to 114, inclusive, and subsection 2 of section 115 of this act become effective on July 1, 2003.

2. Section 78 of this act becomes effective on July 1, 2003, and expires by limitation on June 30, 2005.

3. Sections 8 to 38, inclusive, 42, 44, 45, 46, 52, 56, 57, 58, 70, 82, 90, 97 and subsection 1 of section 115 of this act become effective on January 1, 2004.

4. Section 64 of this act becomes effective on July 1, 2004.

5. Sections 68, 79 and 80 of this act become effective on July 1, 2005.

6. Section 65 of this act becomes effective on July 1, 2007.