

ASSEMBLY BILL NO. 243—COMMITTEE ON EDUCATION

(ON BEHALF OF SCHOOL BOARDS ASSOCIATION)

FEBRUARY 15, 1999

Referred to Committee on Education

SUMMARY—Makes various changes to program of accountability for public schools.
(BDR 34-473)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to public schools; making various changes to the program of accountability for public schools; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 385.347 is hereby amended to read as follows:
2 385.347 1. The board of trustees of each school district in this state,
3 in cooperation with associations recognized by the state board as
4 representing licensed personnel in education in the district, shall adopt a
5 program providing for the accountability of the school district to the
6 residents of the district and to the state board for the quality of the schools
7 and the educational achievement of the pupils in the district, including,
8 without limitation, pupils enrolled in charter schools in the school district.
9 2. The board of trustees of each school district shall, on or before
10 March 31 of each year, report to the residents of the district concerning:
11 (a) The educational goals and objectives of the school district.
12 (b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the
13 district and the district as a whole, including, without limitation, each
14 charter school in the district.
15 Unless otherwise directed by the department, the board of trustees of the
16 district shall base its report on the results of the examinations administered
17 pursuant to NRS 389.015 and shall compare the results of those
18 examinations for the current school year with those of previous school

1 years. The report must include, for each school in the district, including,
2 without limitation, each charter school in the district, and each grade in
3 which the examinations were administered:

4 (1) The number of pupils who took the examinations;

5 (2) An explanation of instances in which a school was exempt from
6 administering or a pupil was exempt from taking an examination; and

7 (3) A record of attendance for the period in which the examinations
8 were administered, including an explanation of any difference in the
9 number of pupils who took the examinations and the number of pupils in
10 attendance in that period.

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

15 (c) The ratio of pupils to teachers in kindergarten and at each grade
16 level for each elementary school in the district and the district as a whole,
17 including, without limitation, each charter school in the district, the
18 average class size for each required course of study for each secondary
19 school in the district and the district as a whole, including, without
20 limitation, each charter school in the district, and other data concerning
21 licensed and unlicensed employees of the school district.

22 (d) A comparison of the types of classes that each teacher has been
23 assigned to teach with the qualifications and licensure of the teacher, for
24 each school in the district and the district as a whole, including, without
25 limitation, each charter school in the district.

26 (e) The total expenditure per pupil for each school in the district and the
27 district as a whole, including, without limitation, each charter school in the
28 district.

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

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

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

32 (g) The annual rate of the attendance and truancy of pupils in all grades,
33 including, without limitation, the average daily attendance of pupils, for
34 each school in the district and the district as a whole, including, without
35 limitation, each charter school in the district.

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

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

41 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 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.*

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

(p) 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.

(q) 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.

(r) 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) *Illness;*

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

or

- 1 *(c) Assignment of the teacher to perform duties for cocurricular or*
- 2 *extracurricular activities of pupils.*

1 **4.** The superintendent of public instruction shall:

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

4 (b) Provide statistical information and technical assistance to the school
5 districts to ensure that the reports provide comparable information with
6 respect to each school in each district and among the districts.

7 (c) Consult with a representative of the:

8 (1) Nevada State Education Association;

9 (2) Nevada Association of School Boards;

10 (3) Nevada Association of School Administrators;

11 (4) Nevada Parent Teachers Association;

12 (5) Budget division of the department of administration; and

13 (6) Legislative counsel bureau,

14 concerning the program and consider any advice or recommendations
15 submitted by the representatives with respect to the program.

16 ~~4.~~ **5.** On or before April 15 of each year, the board of trustees of each
17 school district shall submit to the advisory board to review school
18 attendance created in the county pursuant to NRS 392.126 the information
19 required in paragraph (g) of subsection 2.

20 **Sec. 2.** NRS 385.363 is hereby amended to read as follows:

21 385.363 The department shall, on or before December 15 of each year:

22 1. Evaluate the information submitted by each school district pursuant
23 to paragraphs (b), (g) and (i) of subsection 2 of NRS 385.347; and

24 2. Based upon its evaluation and in accordance with the criteria set
25 forth in NRS 385.365 and 385.367, designate each public school within
26 each school district as:

27 (a) ***Demonstrating exemplary achievement;***

28 ~~(b)~~ ***Demonstrating high achievement;***

29 ~~(b)~~ ***(c) Demonstrating adequate achievement; or***

30 ~~(c)~~ ***(d) Demonstrating inadequate achievement.***

31 **Sec. 3.** NRS 385.365 is hereby amended to read as follows:

32 385.365 1. The department shall designate a public school as
33 demonstrating ~~high~~ ***exemplary*** achievement if:

34 (a) The number of pupils who took the examinations administered
35 pursuant to NRS 389.015 is at least equal to 95 percent of the pupils who
36 were required to take the examinations and were not exempt pursuant to
37 the regulations of the department;

38 (b) At least 50 percent of the pupils enrolled in that school who took the
39 examinations administered pursuant to NRS 389.015 received an average
40 score on those examinations that is at least equal to the ~~75th~~ ***76th***
41 percentile of the national reference group of pupils to which the
42 examinations were compared; and

(c) The average daily attendance of pupils who are enrolled in the school and the teachers who provide instruction at the school is ~~more than~~ **at least** 95 percent.

2. *The department shall designate a public school as demonstrating high achievement if:*

(a) *The number of pupils who took the examinations administered pursuant to NRS 389.015 is at least equal to 95 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department;*

(b) *At least 40 percent of the pupils enrolled in that 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 76th percentile of the national reference group of pupils to which the examinations were compared; and*

(c) *The average daily attendance of pupils who are enrolled in the school and the teachers who provide instruction at the school is at least 95 percent.*

3. The department shall designate a public school as demonstrating adequate achievement if:

(a) The number of pupils who took the examinations administered pursuant to NRS 389.015 is at least equal to 90 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department;

(b) At least 60 percent of the pupils enrolled in that 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; and

(c) The average daily attendance of pupils who are enrolled in the school and the teachers who provide instruction at the school is ~~more than~~ **at least** 90 percent.

4. *For the purposes of this section, the average daily attendance of teachers must be calculated as the number of teachers who are in attendance according to the records of the school maintained pursuant to subsection 3 of NRS 385.347.*

Sec. 4. NRS 385.367 is hereby amended to read as follows:

385.367 1. The department shall designate a public school as demonstrating inadequate achievement if:

~~1.1~~ (a) Less than 60 percent of the pupils enrolled in that 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;

or

~~12.1~~ (b) The average daily attendance of pupils who are enrolled in the school and the teachers who provide instruction at the school is less than 90 percent for 3 or more consecutive years based upon the yearly profile of information for the school maintained by the department pursuant to subsection 4 of NRS 385.351.

2. For the purposes of this section, the average daily attendance of teachers must be calculated as the number of teachers who are in attendance according to the records of the school maintained pursuant to subsection 3 of NRS 385.347.

Sec. 5. NRS 385.375 is hereby amended to read as follows:

385.375 If the department designates a school as demonstrating inadequate achievement pursuant to NRS 385.367 for 3 or more consecutive years:

1. The department shall:

(a) Continue the academic probation of the school;

(b) Prepare for that school a plan to improve the achievement of the school's pupils as measured by the examinations required pursuant to NRS 389.015; and

(c) Submit the plan to the:

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

(2) Governor;

(3) State board;

(4) Committee; and

(5) Bureau.

A plan prepared and submitted by the department pursuant to this subsection must contain specific information about the school, including, but not limited to, information concerning the administrative operation of the school, the curriculum of the school and the financial and other resources of the school.

2. The board of trustees of the school district in which the school is located shall, until such time as the school is designated as demonstrating *exemplary achievement*, high achievement or adequate achievement pursuant to NRS 385.365, make at least four reports per year to the department, the committee and the governor concerning the progress of the school in carrying out the plan prepared pursuant to subsection 1.

Sec. 6. NRS 385.378 is hereby amended to read as follows:

385.378 1. Except as otherwise provided in subsection 3, in addition to the requirements set forth in NRS 385.373 and 385.375, if a school receives two or more consecutive designations as demonstrating inadequate achievement, the department shall, on or before January 15, establish

1 panel to supervise the academic probation of the school. A panel
2 established pursuant to this section consists of ~~nine~~ 11 members
3 appointed by the superintendent of public instruction as follows:

4 (a) Two instructors or professors who provide instruction within the
5 University and Community College System of Nevada;

6 (b) Two representatives of the private sector;

7 (c) Two parents or legal guardians of pupils who are enrolled in the
8 school; and

9 (d) ~~Three~~ Five persons who are licensed educational personnel at
10 public schools within this state. Two of the persons appointed pursuant to
11 this paragraph must be classroom teachers who provide instruction at
12 schools that are not located within the same school district as the school
13 which is the subject of the evaluation. *One person appointed pursuant to*
14 *this paragraph must be an administrator at a school that is not located*
15 *within the same school district as the school which is the subject of*
16 *evaluation. One person appointed pursuant to this paragraph must be a*
17 *teacher who provides instruction in a classroom at the school which is*
18 *the subject of the evaluation.*

19 2. For each day or portion of a day during which a member of the
20 panel attends a meeting of the panel or is otherwise engaged in the work of
21 the panel, he is entitled to receive the per diem allowance and travel
22 expenses provided for state officers and employees generally. The school
23 district in which the school on academic probation is located shall pay the
24 allowances and expenses authorized pursuant to this subsection.

25 3. If a school receives two or more consecutive designations as
26 demonstrating inadequate achievement, the school may submit to the
27 department a request for a waiver of the requirement for the establishment
28 of a panel to supervise the academic probation of the school. The
29 department may grant such a waiver if the yearly profile of information for
30 the school maintained by the department pursuant to subsection 4 of NRS
31 385.351 demonstrates to the satisfaction of the department that the school
32 has significantly improved in each of the immediately preceding 3 years
33 covered by the profile.

34 4. If the department grants a waiver pursuant to subsection 3, it shall,
35 on or before February 15 of each year, prepare a list that contains the name
36 of each school for which the department has granted a waiver and the
37 justification of the department for granting the waiver. The department
38 shall submit the list to the:

39 (a) Governor;

40 (b) State board;

41 (c) Committee; and

42 (d) Bureau.

1 **Sec. 7.** NRS 385.381 is hereby amended to read as follows:

2 385.381 1. A panel established pursuant to NRS 385.378 shall:

3 (a) Review the most recent plan prepared by the department for the
4 school pursuant to NRS 385.373 or 385.375 or the plan prepared by the
5 board of trustees of the school district pursuant to NRS 385.371;

6 (b) Identify and investigate the problems and factors at the school that
7 contributed to the designation of the school as demonstrating inadequate
8 achievement;

9 (c) Hold a public meeting to discuss the actions that the school will
10 need to take to warrant receiving a designation of demonstrating
11 **exemplary achievement**, high achievement or adequate achievement;

12 (d) On or before April 1, prepare a written report that includes an
13 analysis of the problems and factors at the school which contributed to the
14 designation of the school as demonstrating inadequate achievement,
15 including, but not limited to, issues relating to:

16 (1) The financial resources of the school;

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

18 (3) The curriculum of the school;

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

21 (5) Any other factors that the panel believes contributed to the
22 designation of the school as demonstrating inadequate achievement;

23 (e) Submit a copy of the written report to the:

24 (1) Principal of the school;

25 (2) Board of trustees of the school district in which the school is
26 located;

27 (3) Superintendent of schools of the school district in which the
28 school is located;

29 (4) Superintendent of public instruction;

30 (5) Governor;

31 (6) State board;

32 (7) Department;

33 (8) Committee; and

34 (9) Bureau;

35 (f) Make the written report available, upon request, to each parent or
36 legal guardian of a pupil who is enrolled in the school; and

37 (g) In accordance with its findings pursuant to this subsection, adopt
38 revisions to the most recent plan prepared by the department for the school
39 pursuant to NRS 385.373 or 385.375.

40 2. The department shall, not more than 1 month after receiving the
41 written report submitted by the panel:

1 (a) Amend the most recent plan prepared by the department for the
2 school pursuant to NRS 385.373 or 385.375. In amending the plan, the
3 department shall incorporate the revisions adopted by the panel pursuant to
4 paragraph (g) of subsection 1.

5 (b) Submit to the panel a copy of an amended plan for the school which
6 demonstrates to the satisfaction of the panel that the department
7 incorporated the revisions adopted by the panel pursuant to paragraph (g)
8 of subsection 1.

9 3. The department shall submit to the panel a copy of the designation
10 that it gives to the school pursuant to NRS 385.363 for the school year
11 immediately succeeding the establishment of the panel. If the school does
12 not earn a designation as demonstrating *exemplary achievement*, high
13 achievement or adequate achievement for the school year immediately
14 succeeding the establishment of the panel, the panel shall take such action
15 pursuant to subsection 1 and NRS 385.383 as it deems necessary to ensure
16 that the school takes action to improve its designation.

17 **Sec. 8.** NRS 385.383 is hereby amended to read as follows:

18 385.383 If a panel established pursuant to NRS 385.378 determines
19 that a school has not earned a designation as demonstrating *exemplary*
20 *achievement*, high achievement or adequate achievement for the school
21 year immediately succeeding the establishment of the panel, the panel
22 shall:

23 1. Hold an additional public meeting to discuss the actions which must
24 be taken to improve the achievement of pupils at the school.

25 2. On or before April 1, determine whether the superintendent of
26 public instruction shall appoint an administrator to oversee the operation of
27 the school pursuant to NRS 385.386.

28 **Sec. 9.** NRS 385.386 is hereby amended to read as follows:

29 385.386 1. If a panel established pursuant to NRS 385.378
30 determines that an administrator must be appointed to oversee the
31 operation of a school, the superintendent of public instruction shall, on or
32 before May 1, appoint a licensed administrator to do so. The administrator
33 must:

34 (a) Possess knowledge and experience concerning the administration of
35 public schools.

36 (b) Be appointed from a list of three qualified persons submitted to the
37 superintendent of public instruction by the panel.

38 2. An administrator appointed pursuant to this section:

39 (a) Shall:

40 (1) Establish and carry out a policy for the management of the school
41 to ensure that the plan prepared by the department pursuant to NRS
42 385.375 and revised by the panel pursuant to NRS 385.381 is followed.

1 This subparagraph does not prohibit the administrator from recommending
2 changes to the plan.

3 (2) On a quarterly basis, make reports to the department, the
4 governor and the committee regarding the progress of the school toward
5 earning a designation of demonstrating *exemplary achievement*, high
6 achievement or adequate achievement pursuant to NRS 385.365.

7 (b) May take any action not prohibited by law to ensure that the
8 performance of the pupils of the school on the examinations administered
9 pursuant to NRS 389.015 improves to such a level that the school is
10 designated as demonstrating *exemplary achievement*, high achievement or
11 adequate achievement pursuant to NRS 385.365.

12 (c) Serves at the pleasure of the superintendent of public instruction and
13 is entitled to receive such compensation as may be set by the
14 superintendent.

15 3. A school district that contains a school for which an administrator is
16 appointed pursuant to this section shall reimburse the department for any
17 expenses incurred by the department pursuant to subsection 2.

18 4. If a school for which an administrator is appointed pursuant to this
19 section receives a designation of demonstrating *exemplary achievement*,
20 high achievement or adequate achievement pursuant to NRS 385.365, the
21 superintendent of public instruction shall terminate the oversight of the
22 school by the administrator. After the superintendent terminates the
23 oversight of the school, the board of trustees of the school district in which
24 the school is located shall, on a quarterly basis and until such time as the
25 school receives two consecutive designations of demonstrating *exemplary*
26 *achievement*, high achievement or adequate achievement pursuant to NRS
27 385.365, make reports to the department, the committee and the governor
28 regarding actions taken at the school to maintain that designation.

29 **Sec. 10.** NRS 385.391 is hereby amended to read as follows:

30 385.391 The department shall adopt:

31 1. Regulations to provide for the recognition of schools that receive a
32 designation as demonstrating *exemplary achievement or* high achievement
33 pursuant to ~~subsection 1 of~~ NRS 385.365;

34 2. Regulations which prescribe the factors that the department will
35 consider in determining whether to grant a waiver from the establishment
36 of a panel to supervise the academic probation of a school pursuant to NRS
37 385.378, including, without limitation, criteria for determining whether a
38 school has significantly improved; and

39 3. Such regulations as it deems necessary to carry out the provisions of
40 this section and NRS 385.3455 to 385.386, inclusive, including, without
41 limitation, uniform standards for the type and format of data that must be
42 submitted by the school districts and the time by which such data must be
43 submitted.

1 **Sec. 11.** NRS 392.128 is hereby amended to read as follows:
2 392.128 1. Each advisory board to review school attendance created
3 pursuant to NRS 392.126 shall:
4 (a) Review the records of the rate of attendance and truancy of pupils
5 submitted to the advisory board to review school attendance by the board
6 of trustees of the school district pursuant to subsection ~~4~~ 5 of NRS
7 385.347;
8 (b) Identify factors that contribute to the rate of truancy of pupils in the
9 school district;
10 (c) Establish programs to reduce the rate of truancy of pupils in the
11 school district;
12 (d) At least annually, evaluate the effectiveness of those programs;
13 (e) Establish a procedure for schools and school districts for the
14 reporting of the status of pupils as habitual truants and the issuance of
15 citations pursuant to NRS 392.142; and
16 (f) Inform the parents and legal guardians of the pupils who are enrolled
17 in the schools within the district of the policies and procedures adopted
18 pursuant to the provisions of this section.
19 2. An advisory board to review school attendance created in a county
20 pursuant to NRS 392.126 may use money appropriated by the legislature
21 and any other money made available to the advisory board for the use of
22 programs to reduce the truancy of pupils in the school district. The
23 advisory board to review school attendance shall, on a quarterly basis,
24 provide to the board of trustees of the school district an accounting of the
25 money used by the advisory board to review school attendance to reduce
26 the rate of truancy of pupils in the school district.
27 **Sec. 12.** This act becomes effective on July 1, 1999.