
SENATE BILL NO. 15—COMMITTEE ON FINANCE

PREFILED JANUARY 13, 1999

(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

Referred to Committee on Finance

SUMMARY—Creates advisory committee to oversee proficiency examination administered to pupils in 11th grade. (BDR 34-247)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

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

AN ACT relating to education; creating an advisory committee to oversee the proficiency examination administered to pupils before the completion of 11th grade; making appropriations to the department of education for certain costs related to the examination and the advisory committee; 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.** Chapter 389 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1. *There is hereby created an advisory committee, consisting***
4 ***of nine members, to oversee the proficiency examination administered to***
5 ***pupils before the completion of grade 11 pursuant to NRS 389.015.***
- 6 **2. *The governor shall appoint five members to the advisory committee***
7 ***as follows:***
- 8 ***(a) Four representatives of school districts who are responsible for***
9 ***overseeing the administration of the examinations given to pupils***
10 ***pursuant to NRS 389.015 within their respective school districts,***
11 ***including, without limitation, testing directors and testing administrators.***
12 ***At least one member appointed by the governor pursuant to this***
13 ***paragraph must be employed by the board of trustees of a school district***
14 ***in a county whose population is less than 100,000. Not more than two***

1 *members appointed by the governor pursuant to this paragraph may be*
2 *employed by the board of trustees of the same school district.*

3 *(b) One representative of the University and Community College*
4 *System of Nevada who possesses knowledge and experience in the*
5 *assessment of pupils who are enrolled in public schools, nominated for*
6 *appointment by the board of regents.*

7 *3. The majority leader of the senate and the speaker of the assembly*
8 *shall each appoint two members to the advisory committee as follows:*

9 *(a) One parent or legal guardian of a pupil who is enrolled in a public*
10 *school in this state; and*

11 *(b) One representative of a private business or industry.*

12 *4. The advisory committee shall elect a chairman from among its*
13 *members.*

14 *5. The members of the advisory committee serve at the pleasure of the*
15 *appointing authority. A vacancy in the membership of the advisory*
16 *committee must be filled in the same manner as the original appointment.*

17 *6. Each member of the advisory committee serves without*
18 *compensation, except that for each day or portion of a day during which*
19 *a member attends a meeting of the advisory committee or is otherwise*
20 *engaged in the business of the advisory committee, he is entitled to receive*
21 *the per diem allowance and travel expenses provided for state officers and*
22 *employees generally.*

23 *7. The department shall provide administrative support to the*
24 *advisory committee.*

25 *Sec. 3. 1. The advisory committee to oversee the proficiency*
26 *examination created pursuant to section 2 of this act shall:*

27 *(a) Hold at least four meetings each year, at least one of which must*
28 *be held before the administration of the proficiency examination in the*
29 *public schools of this state;*

30 *(b) Review the questions and answers on the proficiency examination;*

31 *(c) Review the data used by the state board to establish the score for*
32 *passing the proficiency examination;*

33 *(d) Review the percentage of pupils who pass the proficiency*
34 *examination before the completion of grade 11 and the percentage of*
35 *pupils who fail to pass the examination and receive a certificate of*
36 *attendance pursuant to subsection 6 of NRS 389.015;*

37 *(e) Review the costs of administering the proficiency examination;*

38 *(f) Determine whether the proficiency examination adequately*
39 *measures the:*

40 *(1) Achievement of pupils in the standards of content adopted by the*
41 *state board; and*

42 *(2) Level of proficiency of pupils in the standards of performance*
43 *adopted by the state board;*

1 ***(g) Submit a quarterly report to the state board that includes a***
2 ***summary of the actions of the advisory committee during the immediately***
3 ***preceding quarter and the recommendations of the advisory committee, if***
4 ***any, for modification of the:***

5 ***(1) Content of the proficiency examination;***

6 ***(2) Score for passing the proficiency examination; or***

7 ***(3) Manner in which the examination is administered; and***

8 ***(h) Submit an annual report to the legislative committee on education***
9 ***created pursuant to NRS 218.5352 that includes a summary of the actions***
10 ***of the advisory committee during the immediately preceding year and any***
11 ***recommendations of the advisory committee for legislation relating to the***
12 ***proficiency examination.***

13 ***2. The provisions of chapter 241 of NRS do not apply to a meeting or***
14 ***a portion of a meeting of the advisory committee to the extent that it is***
15 ***necessary for the advisory committee to maintain the confidentiality of the***
16 ***proficiency examination.***

17 ***3. Upon the written request of the chairman of the advisory***
18 ***committee, the state board and the department shall provide all***
19 ***information that is necessary for the advisory committee to carry out its***
20 ***duties pursuant to this section.***

21 ***4. As used in this section, "proficiency examination" means the***
22 ***examination that is administered to pupils before the completion of grade***
23 ***11 pursuant to NRS 389.015.***

24 **Sec. 4.** NRS 389.015 is hereby amended to read as follows:

25 **389.015** 1. The board of trustees of each school district shall
26 administer examinations in all public schools of the school district. The
27 governing body of a charter school shall administer the same examinations
28 in the charter school. The examinations administered by the board of
29 trustees and governing body must determine the achievement and
30 proficiency of pupils in:

31 (a) Reading;

32 (b) Writing;

33 (c) Mathematics; and

34 (d) Science.

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

36 (a) Administered before the completion of grades 4, 8, 10 and 11.

37 (b) Administered in each school district and each charter school at the
38 same time. The time for the administration of the examinations must be
39 prescribed by the state board.

40 (c) Administered in each school in accordance with uniform procedures
41 adopted by the state board. The department shall monitor the compliance of
42 school districts and individual schools with the uniform procedures.

1 (d) Scored by the department or a single private entity that has
2 contracted with the state board to score the examinations. If a private entity
3 scores the examinations, it shall report the results of the examinations in the
4 form and by the date required by the department.

5 3. Not more than 14 working days after the results of the examinations
6 are reported to the department by a private entity that scored the
7 examinations or the department completes the scoring of the examinations,
8 the superintendent of public instruction shall certify that the results of the
9 examinations have been transmitted to each school district and each charter
10 school. Not more than 10 working days after a school district receives the
11 results of the examinations, the superintendent of public instruction shall
12 certify that the results of the examinations have been transmitted to each
13 school within the school district. Not more than 10 working days after each
14 school receives the results of the examinations, the principal of each school
15 and the governing body of each charter school shall certify that the results
16 for each pupil have been provided to the parent or legal guardian of the
17 pupil:

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

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

22 4. Different standards of proficiency may be adopted for pupils with
23 diagnosed learning disabilities. If different standards of proficiency are
24 adopted or other modifications or accommodations are made in the
25 administration of the examinations for a pupil who is enrolled in a program
26 of special education pursuant to NRS 388.440 to 388.520, inclusive, other
27 than a gifted and talented pupil, the different standards adopted or other
28 modifications or accommodations must be set forth in the pupil's program
29 of special education developed in accordance with the Individuals with
30 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards
31 prescribed by the state board.

32 5. If a pupil fails to demonstrate at least adequate achievement on the
33 examination administered before the completion of grade 4, 8 or 10, he may
34 be promoted to the next higher grade, but the results of his examination
35 must be evaluated to determine what remedial study is appropriate. If such a
36 pupil is enrolled at a school that has been designated as demonstrating
37 inadequate achievement pursuant to NRS 385.367 the pupil must, in
38 accordance with the requirements set forth in this subsection, complete a
39 program of remedial study pursuant to NRS 385.389.

40 6. If a pupil fails to pass the proficiency examination administered
41 before the completion of grade 11, he must not be graduated until he is able,
42 through remedial study, to pass the proficiency examination, but he may be

1 given a certificate of attendance, in place of a diploma, if he has reached the
2 age of 17 years.

3 7. The state board shall prescribe standard examinations of achievement
4 and proficiency to be administered pursuant to subsection 1. The
5 examinations on reading, mathematics and science prescribed for grades 4,
6 8 and 10 must be selected from examinations created by private entities and
7 administered to a national reference group, and must allow for a comparison
8 of the achievement and proficiency of pupils in grades 4, 8 and 10 in this
9 state to that of a national reference group of pupils in grades 4, 8 and 10.

10 The questions contained in the examinations and the approved answers used
11 for grading them are confidential, and disclosure is unlawful except:

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

14 (b) That a disclosure may be made to a state officer who is a member of
15 the executive or legislative branch to the extent that it is related to the
16 performance of that officer's duties.

17 (c) That specific questions and answers may be disclosed if the
18 superintendent of public instruction determines that the content of the
19 questions and answers is not being used in a current examination and
20 making the content available to the public poses no threat to the security of
21 the current examination process.

22 ***(d) That, upon the written request of the chairman of the advisory***
23 ***committee created pursuant to section 2 of this act, the superintendent of***
24 ***public instruction shall disclose the questions and answers on the***
25 ***proficiency examination that is administered to pupils before the***
26 ***completion of grade 11 to the members of the advisory committee. The***
27 ***chairman of the advisory committee may submit such a request if the***
28 ***disclosure is necessary for the advisory committee to carry out its duties***
29 ***pursuant to section 3 of this act. Such a disclosure must be made in a***
30 ***manner that does not violate the confidentiality of the examination.***

31 **Sec. 5.** 1. There is hereby appropriated from the state general fund to
32 the department of education for the continued development, administration
33 and central scoring of a high school proficiency examination:

34 For the fiscal year 1999-2000\$384,825

35 For the fiscal year 2000-2001\$371,648

36 2. The sums appropriated by subsection 1 are available for either fiscal
37 year. Any balance remaining of those sums must not be committed for
38 expenditure after June 30, 2001, and reverts to the state general fund as
39 soon as all payments of money committed have been made.

40 **Sec. 6.** 1. There is hereby appropriated from the state general fund to
41 the department of education the sum of \$30,000 for the payment of per diem
42 allowances and travel expenses pursuant to subsection 6 of section 2 of this
43 act.

1 2. Any remaining balance of the appropriation made by subsection 1
2 must not be committed for expenditure after June 30, 2001, and reverts to
3 the state general fund as soon as all payments of money committed have
4 been made.

5 **Sec. 7.** The members of the advisory committee created pursuant to
6 section 2 of this act must be appointed on or before July 1, 1999.

7 **Sec. 8.** 1. This section and sections 5, 6 and 7 of this act become
8 effective upon passage and approval.

9 2. Section 2 of this act becomes effective upon passage and approval
10 for the purpose of appointing members to the advisory committee pursuant
11 to that section and on July 1, 1999, for all other purposes.

12 3. Sections 1, 3 and 4 of this act become effective on July 1, 1999.

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