

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 an appropriation to the department of education for the payment of the per diem allowances and travel expenses of members of 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:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *There is hereby created an advisory committee, consisting of 10 members, to oversee the proficiency examination administered to pupils before the completion of grade 11 pursuant to NRS 389.015.*

2. *The governor shall appoint six members to the advisory committee as follows:*

(a) *Five representatives of school districts who are responsible for overseeing the administration of the examinations given to pupils pursuant to NRS 389.015 within their respective school districts, including, without limitation, testing directors and testing administrators.*

At least one member appointed by the governor pursuant to this paragraph must be employed by the board of trustees of a school district 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. At least one*
3 *member appointed by the governor pursuant to this paragraph must be a*
4 *teacher who possesses knowledge and experience in the assessment of*
5 *pupils who are enrolled in public schools.*

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

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

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

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

15 *4. The advisory committee shall elect a chairman from among its*
16 *members.*

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

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

26 *7. The department shall provide administrative support to the*
27 *advisory committee.*

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

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

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

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

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

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

41 *(f) Determine whether the proficiency examination adequately*
42 *measures*

the:

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

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

5 *(g) Submit a quarterly report to the state board that includes a*
6 *summary of the actions of the advisory committee during the immediately*
7 *preceding quarter and the recommendations of the advisory committee, if*
8 *any, for modification of the:*

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

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

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

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

17 *2. The provisions of chapter 241 of NRS do not apply to a meeting or*
18 *a portion of a meeting of the advisory committee to the extent that it is*
19 *necessary for the advisory committee to maintain the confidentiality of the*
20 *proficiency examination.*

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

25 *4. As used in this section, "proficiency examination" means the*
26 *examination that is administered to pupils before the completion of grade*
27 *11 pursuant to NRS 389.015.*

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

29 389.015 1. The board of trustees of each school district shall
30 administer examinations in all public schools of the school district. The
31 governing body of a charter school shall administer the same examinations
32 in the charter school. The examinations administered by the board of
33 trustees and governing body must determine the achievement and
34 proficiency of pupils in:

35 (a) Reading;

36 (b) Writing;

37 (c) Mathematics; and

38 (d) Science.

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

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

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

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

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

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

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

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

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

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

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

6 7. The state board shall prescribe standard examinations of achievement
7 and proficiency to be administered pursuant to subsection 1. The
8 examinations on reading, mathematics and science prescribed for grades 4,
9 8 and 10 must be selected from examinations created by private entities and
10 administered to a national reference group, and must allow for a comparison
11 of the achievement and proficiency of pupils in grades 4, 8 and 10 in this
12 state to that of a national reference group of pupils in grades 4, 8 and 10.
13 The questions contained in the examinations and the approved answers used
14 for grading them are confidential, and disclosure is unlawful except:

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

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

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

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

34 **Sec. 5.** 1. There is hereby appropriated from the state general fund to
35 the department of education the sum of \$30,000 for the payment of per diem
36 allowances and travel expenses pursuant to subsection 6 of section 2 of this
37 act.

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

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

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

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

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

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