
SENATE BILL NO. 169—COMMITTEE ON HUMAN RESOURCES AND FACILITIES

(ON BEHALF OF DEPARTMENT OF EDUCATION)

FEBRUARY 11, 1999

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes relating to program of accountability for public schools.
(BDR 34-420)

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; revising the provisions governing 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 385.351 is hereby amended to read as follows:
2 385.351 1. On or before ~~April 15~~ ***March 31*** of each year, the board
3 of trustees of each school district shall submit the report required pursuant
4 to subsection 2 of NRS 385.347 to the:
5 (a) Governor;
6 (b) State board;
7 (c) Department;
8 (d) Committee; and
9 (e) Bureau.
10 2. On or before April 15 of each year, the board of trustees of each
11 school district shall submit the information prepared by the board of
12 trustees pursuant to paragraph (q) of subsection 2 of NRS 385.347 to the
13 commission on educational technology created pursuant to NRS 388.790.
14 3. On or before June 15 of each year, the board of trustees of each
15 school district shall:
16 (a) Prepare:

1 (1) A separate written report summarizing the effectiveness of the
2 district's program of accountability during the school year. The report must
3 include:

4 (I) A review and analysis of the data upon which the report
5 required pursuant to subsection 2 of NRS 385.347 is based; and

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

8 (2) A written procedure to improve the achievement of pupils who are
9 enrolled in schools within the district, including, but not limited to, a
10 description of the efforts the district has made to correct any deficiencies
11 identified in the written report required pursuant to subparagraph (1). The
12 written procedure must describe sources of data that will be used by the
13 board of trustees to evaluate the effectiveness of the written procedure.

14 (b) Submit copies of the written report and written procedure required
15 pursuant to paragraph (a) to the:

- 16 (1) Governor;
- 17 (2) State board;
- 18 (3) Department;
- 19 (4) Committee; and
- 20 (5) Bureau.

21 4. The department shall maintain a record of the information that it
22 receives from each school district pursuant to this section in such a manner
23 as will allow the department to create for each school a yearly profile of
24 information.

25 5. The board of trustees of each school district shall ensure that a copy
26 of the written report and written procedure required pursuant to paragraph
27 (a) of subsection 3 is included with the final budget of the school district
28 adopted pursuant to NRS 354.598.

29 **Sec. 2.** NRS 385.359 is hereby amended to read as follows:

30 385.359 1. The bureau shall contract with a person or entity to:

31 (a) Review and analyze the information submitted to the bureau
32 pursuant to NRS 385.351 in accordance with standards prescribed by the
33 committee pursuant to subsection 2 of NRS 218.5354;

34 (b) Consult with each school district regarding any methods by which
35 the district may improve the accuracy of the report required pursuant to
36 subsection 2 of NRS 385.347 and the written report and written procedure
37 required pursuant to NRS 385.351, and the purposes for which the reports
38 and written procedure are used; and

39 (c) Submit written reports and any recommendations to the committee
40 and the bureau concerning:

41 (1) The effectiveness of the provisions of NRS 385.3455 to 385.391,
42 inclusive, in improving the accountability of the schools of this state;

(2) The status of each school that is designated as demonstrating ~~inadequate achievement~~ **need for improvement** pursuant to NRS 385.367; 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 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. 3. NRS 385.363 is hereby amended to read as follows:

385.363 The department shall, on or before ~~December 15~~ **April 1** of each year:

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

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

(a) **Demonstrating exemplary achievement;**

(b) Demonstrating high achievement;

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

~~[(c) Demonstrating inadequate achievement.]~~

(d) **Demonstrating need for improvement.**

Sec. 4. NRS 385.365 is hereby amended to read as follows:

385.365 1. The department shall designate a public school as demonstrating ~~high~~ **exemplary** 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 50 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 ~~[75th]~~ **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 ~~[more than]~~ **at least** 95 percent.

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

1 (a) *The number of pupils who took the examinations administered*
2 *pursuant to NRS 389.015 is at least equal to 93 percent of the pupils who*
3 *were required to take the examinations and were not exempt pursuant to*
4 *the regulations of the department;*

5 (b) *At least 40 percent of the pupils enrolled in that school who took*
6 *the examinations administered pursuant to NRS 389.015 received an*
7 *average score on those examinations that is at least equal to the 76th*
8 *percentile of the national reference group of pupils to which the*
9 *examinations were compared; and*

10 (c) *The average daily attendance of pupils who are enrolled in the*
11 *school and the teachers who provide instruction at the school is at least*
12 *93 percent.*

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

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

19 (b) At least 60 percent of the pupils enrolled in that school who took the
20 examinations administered pursuant to NRS 389.015 received an average
21 score on those examinations that is at least equal to the 26th percentile of
22 the national reference group of pupils to which the examinations were
23 compared; and

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

27 **Sec. 5.** NRS 385.367 is hereby amended to read as follows:

28 385.367 The department shall designate a public school as
29 demonstrating ~~inadequate achievement~~ **need for improvement** if:

30 1. Less than 60 percent of the pupils enrolled in that school who took
31 the examinations administered pursuant to NRS 389.015 received an
32 average score on those examinations that is at least equal to the 26th
33 percentile of the national reference group of pupils to which the
34 examinations were compared; or

35 2. The average daily attendance of pupils who are enrolled in the
36 school and the teachers who provide instruction at the school is less than 90
37 percent for 3 or more consecutive years based upon the yearly profile of
38 information for the school maintained by the department pursuant to
39 subsection 4 of NRS 385.351.

1 **Sec. 6.** NRS 385.369 is hereby amended to read as follows:

2 385.369 As soon as practicable after the department makes a
3 designation pursuant to NRS 385.363, the department shall provide written
4 notice of the designation to the principal of the particular school. In
5 addition, the department shall provide written notice of each such
6 designation as follows:

7 1. Designations for all of the schools of this state to the:

- 8 (a) Governor;
9 (b) Committee;
10 (c) Bureau; and
11 (d) State board.

12 2. Designations for all of the schools within a school district to the:

- 13 (a) Superintendent of schools of the school district; and
14 (b) Board of trustees of the school district.

15 Each notice that the department provides pursuant to this section must
16 include, for each school that the department designates as demonstrating
17 ~~inadequate achievement,~~ **need for improvement**, the number of
18 consecutive years, if any, in which the school has received that designation.

19 **Sec. 7.** NRS 385.371 is hereby amended to read as follows:

20 385.371 If the department designates a school as demonstrating
21 ~~inadequate achievement,~~ **need for improvement** pursuant to NRS 385.367
22 and the provisions of NRS 385.373 and 385.375 do not apply, the board of
23 trustees of the school district in which the school is located shall:

24 1. Prepare for that school a plan to improve the achievement of the
25 school's pupils as measured by the examinations required pursuant to NRS
26 389.015.

27 2. On or before ~~February 15,~~ **June 15** of the year ~~immediately~~
28 ~~succeeding the year~~ in which the designation was made, submit the plan to
29 the:

- 30 (a) Governor;
31 (b) Department;
32 (c) Committee; and
33 (d) Bureau.

34 **Sec. 8.** NRS 385.373 is hereby amended to read as follows:

35 385.373 If the department designates a school as demonstrating
36 ~~inadequate achievement,~~ **need for improvement** pursuant to NRS 385.367
37 for 2 consecutive years, the department shall:

38 1. Place the school on academic probation.

39 2. Prepare for that school a plan to improve the achievement of the
40 pupils who are enrolled in the school as measured by the examinations
41 required pursuant to NRS 389.015.

1 3. On or before ~~[February 15]~~ **June 15** of the year ~~[immediately~~
2 ~~succeeding the year]~~ in which the second designation was made, submit the
3 plan to the:

- 4 (a) Board of trustees of the school district in which the school is located;
5 (b) Governor;
6 (c) State board;
7 (d) Committee; and
8 (e) Bureau.

9 **Sec. 9.** NRS 385.375 is hereby amended to read as follows:

10 385.375 If the department designates a school as demonstrating
11 ~~[inadequate achievement]~~ **need for improvement** pursuant to NRS 385.367
12 for 3 or more consecutive years:

13 1. The department shall:

- 14 (a) Continue the academic probation of the school;
15 (b) Prepare for that school a plan to improve the achievement of the
16 school's pupils as measured by the examinations required pursuant to NRS
17 389.015; and

18 (c) ~~[Submit]~~ **On or before June 15 of the year in which the designation**
19 **was made, submit** the plan to the:

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

- 22 (2) Governor;
23 (3) State board;
24 (4) Committee; and
25 (5) Bureau.

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

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

37 **Sec. 10.** NRS 385.378 is hereby amended to read as follows:

38 385.378 1. Except as otherwise provided in subsection 3, in addition
39 to the requirements set forth in NRS 385.373 and 385.375, if a school
40 receives two or more consecutive designations as demonstrating
41 ~~[inadequate achievement,]~~ **need for improvement**, the department shall, on

1 or before ~~January 15,~~ **August 1**, establish a panel to supervise the
2 academic probation of the school. A panel established pursuant to this
3 section consists of nine members appointed by the superintendent of public
4 instruction as follows:

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

7 (b) Two representatives of the private sector;

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

10 (d) Three persons who are licensed educational personnel at public
11 schools within this state. Two of the persons appointed pursuant to this
12 paragraph must be classroom teachers who provide instruction at schools
13 that are not located within the same school district as the school which is
14 the subject of the evaluation.

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

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

30 4. If the department grants a waiver pursuant to subsection 3, it shall,
31 on or before ~~February 15,~~ **June 1** of each year, prepare a list that contains
32 the name of each school for which the department has granted a waiver and
33 the justification of the department for granting the waiver. The department
34 shall submit the list to the:

35 (a) Governor;

36 (b) State board;

37 (c) Committee; and

38 (d) Bureau.

39 **Sec. 11.** NRS 385.381 is hereby amended to read as follows:

40 385.381 1. A panel established pursuant to NRS 385.378 shall:

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

(b) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating ~~inadequate achievement;~~ **need for improvement;**

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

(d) On or before ~~April 1,~~ **November 1**, prepare a written report that includes an analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating ~~inadequate achievement, including, but not limited to,~~ **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 panel believes contributed to the designation of the school as demonstrating ~~inadequate achievement;~~ **need for improvement;**

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

(1) Principal of the school;

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

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

(4) Superintendent of public instruction;

(5) Governor;

(6) State board;

(7) Department;

(8) Committee; and

(9) Bureau;

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

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

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

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

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

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

Sec. 12. NRS 385.383 is hereby amended to read as follows:

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

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

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

Sec. 13. NRS 385.386 is hereby amended to read as follows:

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

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

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

2. An administrator appointed pursuant to this section:

(a) Shall:

(1) Establish and carry out a policy for the management of the school to ensure that the plan prepared by the department pursuant to NRS 385.375 and revised by the panel pursuant to NRS 385.381 is followed. This subparagraph does not prohibit the administrator from recommending changes to the plan.

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

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

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

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

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

23 **Sec. 14.** NRS 385.389 is hereby amended to read as follows:

24 385.389 1. The department shall adopt programs of remedial study
25 for each subject tested on the examinations administered pursuant to NRS
26 389.015. In adopting these programs of remedial study, the department
27 shall consider the recommendations submitted by the committee pursuant to
28 NRS 218.5354 and programs of remedial study that have proven to be
29 successful in improving the academic achievement of pupils.

30 2. A school that receives a designation as demonstrating ~~inadequate~~
31 ~~achievement~~ **need for improvement** pursuant to NRS 385.367 shall ensure
32 that each of its pupils who fails to demonstrate at least adequate
33 achievement on the examinations administered pursuant to NRS 389.015
34 completes, in accordance with the requirements set forth in subsection 5 of
35 NRS 389.015, a program of remedial study adopted by the department.

36 **Sec. 15.** NRS 385.391 is hereby amended to read as follows:

37 385.391 The department shall adopt:

38 1. Regulations to provide for the recognition of schools that receive a
39 designation as demonstrating **exemplary achievement or** high achievement
40 pursuant to ~~subsection 1 of~~ 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 school has significantly improved; and

3. Such regulations as it deems necessary to carry out the provisions of this section and NRS 385.3455 to 385.386, inclusive, 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.

Sec. 16. 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.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 8, 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) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity 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 or 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 the school district*** ~~[public instruction]~~ shall certify that the results of the examinations

1 have been transmitted to each school within the school district. Not more
2 than 10 working days after each school receives the results of the
3 examinations, the principal of each school and the governing body of each
4 charter school shall certify that the results for each pupil have been
5 provided to the parent or legal guardian of the pupil:

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

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

10 4. Different standards of proficiency may be adopted for pupils with
11 diagnosed learning disabilities. If different standards of proficiency are
12 adopted or other modifications or accommodations are made in the
13 administration of the examinations for a pupil who is enrolled in a program
14 of special education pursuant to NRS 388.440 to 388.520, inclusive, other
15 than a gifted and talented pupil, the different standards adopted or other
16 modifications or accommodations must be set forth in the pupil's program
17 of special education developed in accordance with the Individuals with
18 Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards
19 prescribed by the state board.

20 5. If a pupil fails to demonstrate at least adequate achievement on the
21 examination administered before the completion of grade 4, 8 or 10, he
22 may be promoted to the next higher grade, but the results of his
23 examination must be evaluated to determine what remedial study is
24 appropriate. If such a pupil is enrolled at a school that has been designated
25 as demonstrating ~~inadequate achievement~~ **need for improvement** pursuant
26 to NRS 385.367 the pupil must, in accordance with the requirements set
27 forth in this subsection, complete a program of remedial study pursuant to
28 NRS 385.389.

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

34 7. The state board shall prescribe standard examinations of
35 achievement and proficiency to be administered pursuant to subsection 1.
36 The examinations on reading, mathematics and science prescribed for
37 grades 4, 8 and 10 must be selected from examinations created by private
38 entities and administered to a national reference group, and must allow for
39 a comparison of the achievement and proficiency of pupils in grades 4, 8
40 and 10 in this state to that of a national reference group of pupils in grades
41 4, 8 and 10. The questions contained in the examinations and the approved
42 answers used for grading them are confidential, and disclosure is unlawful
43 except:

- 1 (a) To the extent necessary for administering and evaluating the
2 examinations.
- 3 (b) That a disclosure may be made to a state officer who is a member of
4 the executive or legislative branch to the extent that it is related to the
5 performance of that officer's duties.
- 6 (c) That specific questions and answers may be disclosed if the
7 superintendent of public instruction determines that the content of the
8 questions and answers is not being used in a current examination and
9 making the content available to the public poses no threat to the security of
10 the current examination process.
- 11 **Sec. 17.** This act becomes effective upon passage and approval.

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