

Senate Bill No. 466–Committee on Finance

CHAPTER.....

AN ACT relating to education; revising provisions governing the council to establish academic standards for public schools; requiring the administration and reporting of examinations related to the standards established by the council; requiring the department of education to administer the high school proficiency examination in mathematics for certain pupils who failed the examination; requiring the department of education to establish a task force to conduct a study of the high school proficiency examination in mathematics; revising other provisions relating to education; making appropriations; 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. NRS 385.110 is hereby amended to read as follows:

385.110 1. Except as otherwise provided in subsections 2 and 3, the state board shall prescribe and cause to be enforced the courses of study for the public schools of this state. *The courses of study prescribed and enforced by the state board must comply with the standards of content and performance established by the council to establish academic standards for public schools pursuant to section 8 of this act.*

2. For those courses of study prescribed by the state board:

(a) High schools may have modified courses of study, subject to the approval of the state board; and

(b) Any high school offering courses normally accredited as being beyond the level of the 12th grade shall, before offering such courses, have them approved by the state board.

3. A charter school is not required to offer the courses of study prescribed by the state board except for those courses of study which are required for promotion to the next grade or graduation from high school.

Sec. 2. NRS 385.150 is hereby amended to read as follows:

385.150 1. The *state board shall appoint the* superintendent of public instruction ~~{shall be appointed by the state board of education}~~ for a term of 3 years. The *state board may remove the superintendent of public instruction from office for inefficiency, neglect of duty, malfeasance in office or for other just cause.*

2. *A vacancy must be filled by the* state board ~~{shall fill any vacancy}~~ for the *remainder of the* unexpired term.

~~{2.}~~ 3. The superintendent of public instruction is in the unclassified service of the state.

Sec. 3. 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.*

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.

Sec. 4. NRS 386.550 is hereby amended to read as follows:

386.550 A charter school shall:

1. Comply with all laws and regulations relating to discrimination and civil rights.
2. Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.
3. Refrain from charging tuition or fees, levying taxes or issuing bonds.
4. Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.
5. Comply with the provisions of chapter 241 of NRS.
6. Schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located.
7. Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 ***and the examinations required pursuant to section 11 of this act*** to the pupils who are enrolled in the charter school.
8. Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.
9. Provide at least the courses of instruction that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This subsection does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.
10. Provide instruction on acquired immune deficiency syndrome and the human reproductive system, related to communicable diseases and sexual responsibility in accordance with NRS 389.065.
11. Adhere to the same transportation policy that is in effect in the school district in which the charter school is located.

Sec. 5. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 13, inclusive, of this act.

Sec. 6. ***As used in sections 6 to 13, inclusive, of this act, "council" means the council to establish academic standards for public schools.***

Sec. 7. 1. ***The council to establish academic standards for public schools, consisting of eight members, is hereby created. The membership of the council consists of:***

- (a) Four members appointed by the governor in accordance with subsection 2;***
- (b) Two members appointed by the majority leader of the senate in accordance with subsection 3; and***

(c) Two members appointed by the speaker of the assembly in accordance with subsection 3.

2. The governor shall ensure that:

(a) Two of the members whom he appoints to the council are parents or legal guardians of pupils who attend public schools. These members must not otherwise be affiliated with the public school system of this state.

(b) Two of the members whom he appoints to the council are licensed educational personnel.

(c) Insofar as practicable, the members whom he appoints to the council reflect the ethnic and geographical diversity of this state.

3. The majority leader of the senate and the speaker of the assembly shall each ensure that:

(a) One of the members whom he appoints to the council is a member of the house of the legislature to which he belongs.

(b) The other member whom he appoints to the council is a representative of a private business or industry that may be affected by actions taken by the council.

4. Each member of the council must be a resident of this state.

5. After the initial terms, the term of each member of the council is 4 years. The person who appoints a member to the council may remove that member if the member neglects his duty or commits malfeasance in office, or for other just cause. A vacancy in the membership of the council must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. The governor shall select a chairman from among the membership of the council in accordance with this subsection. The governor shall not select as chairman a member of the council who is affiliated with the public school system in this state, except that this subsection does not preclude the governor from selecting a parent or legal guardian of a pupil as chairman if the parent or legal guardian is not otherwise affiliated with the public school system in this state. Once selected by the governor, the chairman holds that office for 2 years.

7. For each day or portion of a day during which a member of the council who is a legislator attends a meeting of the council or is otherwise engaged in the work of the council, except during a regular or special session of the legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the council must be paid from the legislative fund.

8. *Members of the council who are not legislators serve without salary, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

Sec. 8. 1. *The council shall:*

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 2, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing;*
- (2) Mathematics;*
- (3) Science;*
- (4) Social studies, which includes only the subjects of history, geography, economics and government;*
- (5) The arts;*
- (6) Computer education and technology;*
- (7) Health; and*
- (8) Physical education.*

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to section 13 of this act of the results of pupils on the examinations administered pursuant to section 11 of this act.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. *The council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English and mathematics. The council shall establish standards of content and performance for the grade levels selected by the council for the other courses of study prescribed in subsection 1.*

3. *The state board shall adopt the standards of content and performance established by the council.*

4. *The council shall work in cooperation with the state board to prescribe the examinations required by section 11 of this act.*

Sec. 9. 1. *The department shall provide:*

- (a) Administrative support;*
- (b) Equipment; and*
- (c) Office space,*

as is necessary for the council to carry out its duties.

2. *The council may request assistance from any agency of this state if the assistance is necessary for the council to carry out its duties.*

Sec. 10. *The board of trustees of each school district shall conduct a periodic review of the courses of study offered in the public schools of the school district to determine whether the courses of study comply with the standards of content and performance established by the council*

pursuant to section 8 of this act and if revision of the courses of study is necessary to ensure compliance.

Sec. 11. *1. The state board shall, in consultation with the council, prescribe examinations that measure the achievement and proficiency of pupils in selected grades 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.*

2. 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, 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.

Sec. 12. *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 this section. 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; 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. On or before November 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 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. 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. In addition to the information required by subsection 5, 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. 13. 1. The council shall review the results of pupils on the examinations administered pursuant to section 11 of this act, including, without limitation, for each school in a school district and each charter school that is located within a school district, a review of the results for the current school year and a comparison of the progress, if any, made by the pupils enrolled in the school from preceding school years.

2. After the completion of the review pursuant to subsection 1, the council shall evaluate:

(a) Whether the standards of content and performance established by the council require revision; and

(b) The success of pupils, as measured by the results of the examinations, in achieving the standards of performance established by the council.

3. The council shall report the results of the evaluation conducted pursuant to subsection 2 to the state board and the legislative committee on education.

Sec. 14. NRS 389.010 is hereby amended to read as follows:

389.010 Except as otherwise provided in NRS 389.170 and 389.180, boards of trustees of school districts *in this state* shall enforce in schools ~~{the courses}~~ :

1. The standards of content and performance established by the council to establish academic standards for public schools and the courses of study related to those standards; and

2. The courses of study prescribed and adopted by the state board.

Sec. 15. NRS 390.005 is hereby amended to read as follows:

390.005 As used in this chapter, unless the context requires otherwise:

1. “Basic textbook” or “textbook” means any medium or manual of instruction, *including, without limitation, software for computers*, containing a presentation of the principles of a subject and used as a basis of instruction.

2. “Supplemental textbook” means any medium or material, *including, without limitation, software for computers*, used to reinforce or extend a basic program of instruction.

3. A basic or supplemental textbook becomes “unserviceable” when 4 years have elapsed since its removal from the adopted list.

Sec. 16. NRS 390.140 is hereby amended to read as follows:

390.140 1. The state board shall make the final selection of all textbooks to be used in the public schools in this state, except for charter schools. *If a textbook proposed for selection is in a subject area for which standards of content have been established by the council to establish academic standards for public schools pursuant to section 8 of this act, the state board shall not select the textbook unless the state board determines that the textbook adequately supports the standards for that subject area.*

2. A textbook must not be selected by the state board pursuant to subsection 1 for use in the public schools in classes in literature, history or social sciences unless it accurately portrays the cultural and racial diversity of our society, including lessons on the contributions made to our society by men and women from various racial and ethnic backgrounds.

Sec. 17. NRS 391.038 is hereby amended to read as follows:

391.038 1. The state board, in consultation with educational institutions in this state which offer courses of study and training for the education of teachers, *the board of trustees of each school district in this state* and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

- (a) The licensure of teachers or other educational personnel;
 - (b) The renewal of licenses of teachers or other educational personnel;
- or
- (c) An endorsement in a field of specialization.

If the course of study and training meets the requirements established by the state board, it must be approved by the state board. *The state board shall not approve a course of study or training unless the course of study and training provides instruction, to the extent deemed necessary by the state board, in the standards of content and performance prescribed by the council to establish academic standards for public schools pursuant to section 8 of this act.*

2. The state board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the board.

3. The state board shall adopt regulations establishing fees for the review by the board of a course of study and training submitted to the board by an educational institution.

4. The state board, in consultation with educational institutions in this state which offer courses of study and training for the education of teachers and other educational personnel, and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators, shall adopt regulations governing the approval by the state board of courses of study and training which are accredited by the National Council ~~for~~ *for* Accreditation of Teacher Education, and those which are not so accredited.

5. If the state board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the state board.

Sec. 18. Section 45 of chapter 473, Statutes of Nevada 1997, at page 1780, is hereby amended to read as follows:

Sec. 45. 1. The council to establish academic standards for public schools, created pursuant to section 43 of this act, shall establish and submit to the state board of education ~~†~~:

~~—(a) On~~, **on** or before September 1, 1998, standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, based upon the content of each course, that is expected of pupils for the following courses of study:

- ~~{(1)}~~ **(a)** English, including reading, composition and writing.
- ~~{(2)}~~ **(b)** Mathematics.
- ~~{(3)}~~ **(c)** Science.

~~{(b) On or before September 1, 1999, standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, based upon the content of each course, that is expected of pupils for the following courses of study:~~

- ~~—(1) Social studies.~~
- ~~—(2) Computer education.~~
- ~~—(3) Health and physical education.~~
- ~~—(4) The arts.]~~

2. The council shall submit written recommendations to the state board of education ~~†~~:

~~—(a) On~~, **on** or before November 1, 1998, on the type of examinations of achievement and proficiency to be administered statewide that may be used to measure the achievement of pupils in the standards of content and performance established by the council pursuant to ~~{paragraph (a) of}~~ subsection 1. The recommendations must include the grades in which the examinations should be administered.

~~{(b) On or before November 1, 1999, on the type of examinations of achievement and proficiency in social studies to be administered statewide that may be used to measure the achievement of pupils in the standards of content and performance established by the council pursuant to subparagraph (1) of paragraph (b) of subsection 1. The recommendations must include the grades in which the examinations should be administered.}~~

3. In developing the standards and examinations pursuant to subsections 1 and 2, the council shall:

(a) Hold at least eight meetings. The meetings must be held in at least four different counties during the period commencing August 1, 1997, and expiring July 31, 1999. At least four of these meetings must be held to hear public testimony concerning the

proposed standards of content and performance and the examinations of achievement and proficiency.

(b) Consult with licensed educational personnel in the various school districts and with other persons who have knowledge and experience concerning standards of content and performance or examinations of achievement and proficiency in education.

(c) Review and consider any standards of content and performance and any examinations of achievement and proficiency:

- (1) Adopted by this state;
- (2) Adopted by the Commonwealth of Virginia or any other states;
- (3) Adopted by the Federal Government; or
- (4) Advocated in publications of entities, including, but not limited to, the "Standards Primer: A Resource for Accelerating the Pace of Reform," published in 1996 by the Education Leaders Council.

4. The state board of education shall adopt ~~the~~ ~~(a) On~~, **on** or before January 1, 1999, the standards of content and performance established by the council pursuant to ~~paragraph (a) of~~ subsection 1, to take effect in the 1999-2000 school year.

~~[(b) Examinations of achievement and proficiency to be administered statewide, commencing in the 1999-2000 school year, to measure the achievement of pupils in the standards of content and performance adopted by the state board of education pursuant to paragraph (a). In adopting the examinations, the state board shall consider the written recommendations submitted by the council pursuant to subsection 2. The examinations must be scored by a single private entity or the department of education.]~~

~~—(c) On or before January 1, 2000, the standards of content and performance established by the council pursuant to paragraph (b) of subsection 1, to take effect in the 2000-2001 school year.~~

~~—(d) Examinations of achievement and proficiency in social studies to be administered statewide, commencing in the 2000-2001 school year, to measure the achievement of pupils in social studies in the standards of content and performance adopted by the state board pursuant to paragraph (c). In adopting the examinations, the state board shall consider the written recommendations submitted by the council pursuant to subsection 2. The examinations must be scored by a single private entity or the department of education.]~~

5. The state board of education shall ~~the~~ ~~(a) On~~, **on** or before February 1, 1999, submit a written report to the council and to the director of the legislative counsel bureau for transmission to the 70th session of the Nevada legislature. The written report must include a description of the standards adopted by the state board of education.

~~[(b) On or before February 1, 2001, submit a written report to the council and to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada legislature. The written report must include a description of the standards adopted by the state board of education.]~~

6. In addition to the duties prescribed in subsections 1 and 2, the council shall ~~[(a) As]~~ **as** soon as practicable, but not later than April 1, 1999:

~~[(1)]~~ **(a)** Submit to the governor, the senate standing committee on finance and the assembly standing committee on ways and means, written reports regarding the standards adopted by the state board of education pursuant to ~~[paragraph (a) of]~~ subsection 4.

~~[(2)]~~ **(b)** Submit to the director of the legislative counsel bureau for transmission to the 70th session of the Nevada legislature any recommendations for legislation that the council deems are necessary to incorporate into the public schools the standards that it established pursuant to ~~[paragraph (a) of]~~ subsection 1.

~~[(b) As soon as practicable, but not later than April 1, 2001:~~

~~—(1) Submit to the governor, the senate standing committee on finance and the assembly standing committee on ways and means, written reports regarding the standards adopted by the state board of education pursuant to paragraph (c) of subsection 4.~~

~~—(2) Submit to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada Legislature any recommendations for legislation that the council deems are necessary to incorporate into the public schools the standards that it established pursuant to paragraphs (a) or (b) of subsection 1.]~~

7. The council shall, on or before June 30, 1999, ~~[and on or before June 30, 2001,]~~ report to the legislative committee on education, created pursuant to section 37 of this act, regarding the standards ~~[and examinations]~~ adopted by the state board of education pursuant to subsection 4.

~~[8.— The council shall, on or before June 30, 2001, coordinate its duties pursuant to this section with the legislative bureau of educational accountability and program evaluation, created pursuant to section 41 of this act, to enable the bureau to continue the duties of the council of evaluating and reporting after June 30, 2001.]~~

Sec. 19. Section 64 of chapter 473, Statutes of Nevada 1997, at page 1788, is hereby amended to read as follows:

Sec. 64. 1. This section and section 63 of this act become effective upon passage and approval.

2. Section 27 of this act becomes effective upon passage and approval for purposes of appointing members to the commission on educational technology, created pursuant to section 27 of this act, and on July 1, 1997, for all other purposes.

3. Section 37 of this act becomes effective upon passage and approval for purposes of appointing members to the legislative committee on education, created pursuant to section 37 of this act, and on July 1, 1997, for all other purposes.

4. Section 43 of this act becomes effective upon passage and approval for purposes of appointing members to the council to establish academic standards for public schools, created pursuant to section 43 of this act, and on July 1, 1997, for all other purposes, and expires by limitation on June 30, ~~2001.~~ 1999.

5. Sections 20 to 26, inclusive, 28 to 36, inclusive, 38 to 42, inclusive, and 46 to 62, inclusive, of this act become effective on July 1, 1997.

6. Sections 44 and 45 of this act become effective on July 1, 1997, and expire by limitation on June 30, 2003.

7. Sections 1 to 19, inclusive, of this act become effective on January 1, 1998.

Sec. 20. Section 2 of Senate Bill No. 49 of this session is hereby repealed.

Sec. 21. 1. The term of the president of the state board of education or his designee on the council to establish academic standards for public schools created pursuant to section 43 of chapter 473, Statutes of Nevada 1997, at page 1779, who is incumbent on June 30, 1999, expires on that date.

2. The terms of all members appointed to the council to establish academic standards for public schools created pursuant to section 43 of chapter 473, Statutes of Nevada 1997, at page 1779, who are incumbent on June 30, 1999, expire on that date.

3. Not later than July 1, 1999, appointments to the council to establish academic standards for public schools pursuant to section 7 of this act must be made as follows:

(a) Two members appointed by the governor must be appointed to terms expiring on June 30, 2001.

(b) One member appointed by the majority leader of the senate and one member appointed by the speaker of the assembly must be appointed to terms expiring on June 30, 2002.

(c) One member appointed by the majority leader of the senate, one member appointed by the speaker of the assembly and two members appointed by the governor must be appointed to terms expiring on June 30, 2003.

These appointments may include former members whose terms expired pursuant to subsection 2.

Sec. 22. 1. On or before January 15, 2000, the council to establish academic standards for public schools created pursuant to section 7 of this act shall establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, based upon

the content of each course, that is expected of pupils for the following courses of study:

- (a) Social studies, which includes only the subjects of history, geography, economics and government.
- (b) Computer education and technology.
- (c) Health and physical education.
- (d) The arts.

2. On or before January 15, 2000, the council shall submit written recommendations to the state board of education on the type of examinations of achievement and proficiency in social studies to be administered statewide that may be used to measure the achievement and proficiency of pupils in the standards of content and performance established by the council pursuant to paragraph (a) of subsection 1. The recommendations must include the grades in which the examinations should be administered.

3. In developing the standards and examinations pursuant to section 8 of this act, the council shall:

(a) Hold at least eight meetings. The meetings must be held in at least four different counties during the period commencing July 1, 1999, and expiring June 30, 2001. At least four of these meetings must be held to hear public testimony concerning the proposed standards of content and performance and the examinations of achievement and proficiency.

(b) Consult with licensed educational personnel in the various school districts and with other persons who have knowledge and experience concerning standards of content and performance or examinations of achievement and proficiency in education.

(c) Review and consider any standards of content and performance and any examinations of achievement and proficiency:

- (1) Adopted by this state;
- (2) Adopted by the Commonwealth of Virginia or any other states;
- (3) Adopted by the Federal Government; or
- (4) Advocated in publications of entities, including, but not limited to, the "Standards Primer: A Resource for Accelerating the Pace of Reform," published in 1996 by the Education Leaders Council.

4. The standards established by the council for:

- (a) English, including reading, composition and writing;
- (b) Mathematics; and
- (c) Science,

must take effect in the public schools in this state commencing in the 1999-2000 school year.

5. The standards established by the council for:

- (a) Social studies, which includes only the subjects of history, geography, economics and government;
- (b) Computer education and technology;
- (c) Health and physical education; and
- (d) The arts

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must take effect in the public schools in this state commencing in the 2000-2001 school year.

6. The council shall, as soon as practicable, but not later than April 1, 2001:

(a) Submit to the governor, the senate standing committee on finance and the assembly standing committee on ways and means, written reports regarding the standards established by the council.

(b) Submit to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada Legislature any recommendations for legislation that the council deems are necessary to incorporate into the public schools the standards that it established.

7. The council shall, on or before June 30, 2001, report to the legislative committee on education, regarding the standards and examinations established by the council and adopted by the state board of education.

Sec. 23. On or before February 28, 2000, the state board of education shall adopt the standards of content and performance established by the council to establish academic standards for public schools created pursuant to section 7 of this act for the following courses of study:

1. Social studies, which includes only the subjects of history, geography, economics and government.
2. Computer education and technology.
3. Health and physical education.
4. The arts.

The standards of content and performance must take effect commencing in the 2000-2001 school year.

Sec. 24. 1. On or before December 1, 2000, the state board of education shall, pursuant to the recommendations of the council to establish academic standards for public schools, develop or purchase examinations that measure the achievement and proficiency of pupils in grades 3 and 5 on the standards of content and performance established by the council for English and mathematics. The examinations must be scored by a single private entity or the department of education.

2. The examinations must be administered to all pupils who are required to take the examinations commencing in the spring semester of 2001. In the first year that the examinations are administered, the results of the examinations must be used solely to gather information and data concerning the examinations.

Sec. 25. 1. On or before December 1, 2001, the state board of education shall, pursuant to the recommendations of the council to establish academic standards for public schools, develop or purchase examinations that measure the achievement and proficiency of pupils in grades 3 and 5 on the standards of content and performance established by the council for science and social studies. The examinations must be scored by a single private entity or the department of education.

2. The examinations must be administered to all pupils who are required to take the examinations commencing in the spring semester of 2002. In the first year that the examinations are administered, the results of the examinations must be used solely to gather information and data concerning the examinations.

Sec. 26. Commencing in the 2001-2002 school year, the high school proficiency examination that, pursuant to NRS 389.015, pupils must pass to receive a standard high school diploma must measure the performance of pupils on the standards of content and performance in English, mathematics and science established by the council to establish academic standards for public schools created pursuant to section 7 of this act and adopted by the state board of education. The high school proficiency examination that measures the performance of pupils on those standards must first be administered to pupils enrolled in grade 11 in the 2001-2002 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the 2002-2003 school year. Pupils who graduate from high school in the 2001-2002 school year are not required to pass the examination that measures the performance of pupils on the standards established by the council to establish academic standards for public schools and adopted by the state board of education, but must pass the examination that is administered to pupils in the immediately preceding school year.

Sec. 27. As used in sections 27 to 37, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 28, 29 and 30 of this act have the meanings ascribed to them in those sections.

Sec. 28. “Eligible pupil” means a pupil who was classified as a senior in high school during the 1998-1999 school year and who fulfilled the requirements for a standard high school diploma except that the pupil did not receive a passing score on the high school proficiency examination in mathematics.

Sec. 29. “High school proficiency examination” means the examination that is first administered to pupils before the completion of grade 11 pursuant to NRS 389.015, which pupils must pass to receive a standard high school diploma.

Sec. 30. “Passing score” means the scaled score of 61 set by the state board of education pursuant to paragraph (a) of subsection 2 of section 6 of chapter 568, Statutes of Nevada 1997, at page 2772, for pupils to receive a standard high school diploma in June 1999.

Sec. 31. 1. If a school district contains a public school in which an eligible pupil was enrolled in the 1998-1999 school year, the school district shall, during the summer months of 1999, provide remedial instruction in mathematics.

2. The remedial instruction in mathematics required by subsection 1 must:

(a) Include an intensive program of instruction or tutoring in the basic skills and principles of mathematics and in solving mathematical problems

that a pupil may have missed or been unable to master in the coursework he completed in high school; and

(b) Provide instruction in mathematics at least at the level of proficiency required for a pupil to receive a passing score on the high school proficiency examination in mathematics.

3. A school district may approve additional programs of remedial instruction or tutoring in mathematics offered by other organizations if the programs meet the criteria set forth in subsection 2.

Sec. 32. In addition to the administration of the high school proficiency examination scheduled in June 1999, the department of education shall administer and score two additional high school proficiency examinations in mathematics. One of the additional examinations must be administered in July 1999, and the other additional examination must be administered in August 1999. Only eligible pupils who participated in remedial instruction pursuant to section 31 of this act may take the additional examinations in July and August.

Sec. 33. 1. An eligible pupil may participate in the graduation ceremony of his high school in 1999 and receive a certificate of attendance.

2. If an eligible pupil receives a passing score on the high school proficiency examination that is regularly scheduled for June 1999, a standard high school diploma must be awarded to the pupil to replace the certificate of attendance.

3. If an eligible pupil participates in remedial instruction pursuant to section 31 of this act, and subsequently receives a passing score on the high school proficiency examination administered in July or August of 1999, a standard high school diploma must be awarded to the pupil to replace the certificate of attendance.

4. If an eligible pupil does not:

(a) Receive a passing score on the high school proficiency examination in June 1999; and

(b) Participate in remedial instruction pursuant to section 31 of this act and receive a passing score on one of the additional examinations administered,
the pupil is not eligible to receive a standard high school diploma to replace his certificate of attendance pursuant to sections 27 to 37, inclusive, of this act.

Sec. 34. The provisions of sections 27 to 37, inclusive, of this act do not preclude an eligible pupil from pursuing an adult high school diploma or from continuing to retake the high school proficiency examination in mathematics as a pupil enrolled in the adult high school diploma program.

Sec. 35. Each school district shall:

1. Review the coursework in mathematics taken by each pupil enrolled in grade 11 who failed the high school proficiency examination in mathematics in the 1998-1999 school year; and

2. Provide guidance to each pupil in the coursework and remedial instruction necessary to assist the pupil in passing the high school proficiency examination during the 1999-2000 school year.

Sec. 36. 1. The department of education shall establish a task force, consisting of ten members, to conduct a study of the high school proficiency examination in mathematics.

2. The superintendent of public instruction shall appoint the following members to the task force:

- (a) One director of testing of a school district;
- (b) One teacher of mathematics in a public high school;
- (c) One director of mathematics curriculum of a school district;
- (d) One parent of a pupil enrolled in a public high school in this state;
- (e) One representative of a private business or industry;
- (f) One member of the council to establish academic standards for public schools; and
- (g) One member of the board of trustees of a school district.

3. The majority leader of the senate shall appoint one senator to the task force.

4. The speaker of the assembly shall appoint one assemblyman to the task force.

5. The board of regents of the University of Nevada shall appoint one representative of the University and Community College System of Nevada to the task force.

6. The task force shall elect a chairman from among its members.

7. The department of education shall provide:

- (a) Administrative support to the task force; and
- (b) All information that is necessary for the task force to carry out its duties.

8. For each day or portion of a day during which a member of the task force who is a legislator attends a meeting of the task force or is otherwise engaged in the business of the task force, except during a regular or special session of the legislature, he is entitled to receive the:

- (a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session;
- (b) Per diem allowance provided for state officers and employees generally; and
- (c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the task force must be paid from the legislative fund.

9. A member of the task force who is not a legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the task force or is otherwise engaged in the business of the task force.

Sec. 37. 1. The task force created pursuant to section 36 of this act shall:

(a) Compare the content of the high school proficiency examination in mathematics with the course of study and curriculum offered in the public schools in this state; and

(b) Review the current methods of reporting the results of the high school proficiency examination to school districts and to parents of pupils to determine whether alternative methods of reporting would improve the ability of school districts and parents to assist pupils in areas of deficiency.

2. Notwithstanding the provisions of NRS 389.017 to the contrary, the superintendent of public instruction shall disclose to the task force the questions and answers on all forms of the high school proficiency examination in mathematics to the extent the disclosure is necessary for the task force to carry out its duties. The disclosure must be made in a manner that does not violate the confidentiality of the examination.

3. The provisions of chapter 241 of NRS do not apply to a meeting or a portion of a meeting of the task force to the extent that it is necessary for the task force to maintain the confidentiality of the high school proficiency examination in mathematics.

4. The task force shall submit a report of its findings and any recommendations to the state board of education and the legislative committee on education on or before December 1, 1999.

Sec. 38. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$48,000 for the:

(a) Cost of preparing, printing, mailing and scoring the high school proficiency examination in mathematics for the two additional administrations of the examination required by section 32 of this act;

(b) Payment of the per diem allowances and travel expenses for the members of the task force to study the high school proficiency examination in mathematics pursuant to subsection 9 of section 36 of this act;

(c) Payroll costs of employees of the department of education for any overtime incurred for the administration of the two additional examinations required by section 32 of this act;

(d) Expenses for printing and postage for providing information on testing and practice tests to the school districts; and

(e) Payment of consulting services for a test vendor who has experience in statewide testing and high school proficiency examinations to assist the task force.

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

Sec. 39. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$300,000 for allocation to the school districts to provide remedial instruction in mathematics pursuant to section 31 of this act.

2. To receive an allocation from the appropriation made by subsection 1, a school district must submit a written plan for providing remedial instruction in mathematics that meets the requirements of section 31 of this act. The written plan must include:

(a) The estimated number of pupils that will participate in the program of remedial instruction;

(b) The curriculum that will be taught;

(c) A detailed schedule of the coursework included in the remedial instruction;

(d) The sources from which the matching money that is required by this section will be obtained; and

(e) A budget for the program.

3. The superintendent of public instruction shall, in consultation with the budget division of the department of administration and the legislative bureau of educational accountability and program evaluation, review each written plan. A written plan must be approved by the superintendent of public instruction before an allocation from the appropriation is made.

4. Except as otherwise provided in this subsection, the superintendent of public instruction shall not make an allocation to a school district unless the school district matches the allocation equally with other money available to the school district. The superintendent of public instruction may reduce the amount of matching money that a school district is otherwise required to provide if the school district demonstrates that it is unable to provide that sum of money.

5. A school district that receives an allocation pursuant to this section shall use the money to pay the expenses of teachers and other personnel hired during the summer of 1999 to provide remedial instruction in mathematics and to pay for the purchase of related instructional materials.

6. A school district that receives an allocation pursuant to this section shall not use the money to replace the money the school district would otherwise spend for programs of remedial study.

7. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2000, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 40. 1. There is hereby appropriated from the state general fund to the interim finance committee the sum of \$300,000 to carry out a financial analysis model program in each school district that is designed to track educational expenditures to individual schools.

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

Sec. 41. 1. This section and sections 19, 20 and 21 and 27 to 40, inclusive, of this act become effective upon passage and approval.

2. Section 7 of this act becomes effective upon passage and approval for the purpose of appointing members to the council to establish academic standards for public schools and on July 1, 1999, for all other purposes.

3. Sections 1 to 6, inclusive, 8 to 18, inclusive, and 22 to 26, inclusive, of this act become effective on July 1, 1999.

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