
SENATE BILL NO. 58—COMMITTEE ON HUMAN RESOURCES AND FACILITIES

PREFILED JANUARY 29, 1999

(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

Referred to Committee on Human Resources and Facilities

SUMMARY—Requires achievement and proficiency examinations to be administered in public schools during spring semester. (BDR 34-973)

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 education; requiring certain achievement and proficiency examinations to be administered in public schools during the spring semester; making related changes to the dates for submission of reports required for the program of accountability for public schools; and providing other matters properly relating thereto.

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

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

1 the board of trustees of the district shall base its report on the results of the
2 examinations administered pursuant to NRS 389.015 and shall compare the
3 results of those examinations for the ~~current~~ **immediately preceding**
4 school year with those of previous school years. The report must include,
5 for each school in the district, including, without limitation, each charter
6 school in the district, and each grade in which the examinations were
7 administered:

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

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

11 (3) A record of attendance for the period in which the examinations
12 were administered, including an explanation of any difference in the
13 number of pupils who took the examinations and the number of pupils in
14 attendance in that period.

15 In addition, the board shall also report the results of other examinations of
16 pupil achievement administered to pupils in the school district in grades
17 other than 4, 8, 10 and 11. The results of these examinations for the
18 ~~current~~ **immediately preceding** school year must be compared with those
19 of previous school years.

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

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

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

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

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

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

37 (g) The annual rate of the attendance and truancy of pupils in all grades,
38 including, without limitation, the average daily attendance of pupils, for
39 each school in the district and the district as a whole, including, without
40 limitation, each charter school in the district.

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

- 1 (i) Records of attendance of teachers who provide instruction, for each
2 school in the district and the district as a whole, including, without
3 limitation, each charter school in the district.
- 4 (j) Efforts made by the school district and by each school in the district,
5 including, without limitation, each charter school in the district, to increase:
 - 6 (1) Communication with the parents of pupils in the district; and
 - 7 (2) The participation of parents in the educational process and
8 activities relating to the school district and each school, including, without
9 limitation, the existence of parent organizations and school advisory
10 committees.
- 11 (k) Records of incidents involving weapons or violence for each school
12 in the district, including, without limitation, each charter school in the
13 district.
- 14 (l) Records of incidents involving the use or possession of alcoholic
15 beverages or controlled substances for each school in the district, including,
16 without limitation, each charter school in the district.
- 17 (m) Records of the suspension and expulsion of pupils required or
18 authorized pursuant to NRS 392.466 and 392.467.
- 19 (n) The transiency rate of pupils for each school in the district and the
20 district as a whole, including, without limitation, each charter school in the
21 district.
- 22 (o) Each source of funding for the school district.
- 23 (p) For each high school in the district, including, without limitation,
24 each charter school in the district, the percentage of pupils who graduated
25 from that high school or charter school in the immediately preceding year
26 and enrolled in remedial courses in reading, writing or mathematics at a
27 university or community college within the University and Community
28 College System of Nevada.
- 29 (q) The technological facilities and equipment available at each school,
30 including, without limitation, each charter school, and the district's plan to
31 incorporate educational technology at each school.
- 32 (r) Such other information as is directed by the superintendent of public
33 instruction.
- 34 3. The superintendent of public instruction shall:
 - 35 (a) Prescribe forms for the reports required pursuant to subsection 2 and
36 provide the forms to the respective school districts.
 - 37 (b) Provide statistical information and technical assistance to the school
38 districts to ensure that the reports provide comparable information with
39 respect to each school in each district and among the districts.
 - 40 (c) Consult with a representative of the:
 - 41 (1) Nevada State Education Association;
 - 42 (2) Nevada Association of School Boards;
 - 43 (3) Nevada Association of School Administrators;

1 (4) Nevada Parent Teachers Association;
2 (5) Budget division of the department of administration; and
3 (6) Legislative counsel bureau,
4 concerning the program and consider any advice or recommendations
5 submitted by the representatives with respect to the program.

6 4. On or before ~~April~~ **November** 15 of each year, the board of
7 trustees of each school district shall submit to the advisory board to review
8 school attendance created in the county pursuant to NRS 392.126 the
9 information required in paragraph (g) of subsection 2.

10 **Sec. 2.** NRS 385.351 is hereby amended to read as follows:

11 385.351 1. On or before ~~April~~ **November** 15 of each year, the
12 board of trustees of each school district shall submit the report required
13 pursuant to subsection 2 of NRS 385.347 to the:

- 14 (a) Governor;
15 (b) State board;
16 (c) Department;
17 (d) Committee; and
18 (e) Bureau.

19 2. On or before ~~April~~ **November** 15 of each year, the board of
20 trustees of each school district shall submit the information prepared by the
21 board of trustees pursuant to paragraph (q) of subsection 2 of NRS 385.347
22 to the commission on educational technology created pursuant to NRS
23 388.790.

24 3. On or before ~~June 15~~ **December 31** of each year, the board of
25 trustees of each school district shall:

26 (a) Prepare:

27 (1) A separate written report summarizing the effectiveness of the
28 district's program of accountability during the ***immediately preceding***
29 school year. The report must include:

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

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

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

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

- 42 (1) Governor;
43 (2) State board;

- 1 (3) Department;
- 2 (4) Committee; and
- 3 (5) Bureau.

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

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

12 **Sec. 3.** NRS 385.363 is hereby amended to read as follows:

13 385.363 The department shall, on or before December ~~15~~ **1** of each
14 year:

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

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

- 20 (a) Demonstrating high achievement;
- 21 (b) Demonstrating adequate achievement; or
- 22 (c) Demonstrating inadequate achievement.

23 **Sec. 4.** NRS 386.605 is hereby amended to read as follows:

24 386.605 1. On or before ~~April~~ **November** 15 of each year, the
25 governing body of each charter school shall submit the report required
26 pursuant to subsection 2 of NRS 385.347 to the:

- 27 (a) Governor;
- 28 (b) State board;
- 29 (c) Department;
- 30 (d) Legislative committee on education created pursuant to NRS
31 218.5352; and

32 (e) Legislative bureau of educational accountability and program
33 evaluation created pursuant to NRS 218.5356.

34 2. On or before ~~April~~ **November** 15 of each year, the governing body
35 of each charter school shall submit the information prepared by the
36 governing body pursuant to paragraph (q) of subsection 2 of NRS 385.347
37 to the commission on educational technology created pursuant to NRS
38 388.790.

39 3. On or before ~~June 15~~ **December 31** of each year, the governing
40 body of each charter school shall:

- 41 (a) Prepare:

(1) A separate written report summarizing the effectiveness of the charter school's program of accountability during the ***immediately preceding*** school year. The report must include:

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

(II) The identification of any problems or factors at the charter school that are revealed by the review and analysis.

(2) A written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

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

(1) Governor;

(2) State board;

(3) Department;

(4) Legislative committee on education created pursuant to NRS 218.5352; and

(5) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

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

5. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the charter school adopted pursuant to NRS 354.598.

6. The legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 5. 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 ~~{-}~~ **during the spring semester**. 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 ~~{public instruction}~~ **schools of the school district** shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than 10 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

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

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

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

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

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

14 7. The state board shall prescribe standard examinations of
15 achievement and proficiency to be administered pursuant to subsection 1.
16 The examinations on reading, mathematics and science prescribed for
17 grades 4, 8 and 10 must be selected from examinations created by private
18 entities and administered to a national reference group, and must allow for
19 a comparison of the achievement and proficiency of pupils in grades 4, 8
20 and 10 in this state to that of a national reference group of pupils in grades
21 4, 8 and 10. The questions contained in the examinations and the approved
22 answers used for grading them are confidential, and disclosure is unlawful
23 except:

24 (a) To the extent necessary for administering and evaluating the
25 examinations.

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

29 (c) That specific questions and answers may be disclosed if the
30 superintendent of public instruction determines that the content of the
31 questions and answers is not being used in a current examination and
32 making the content available to the public poses no threat to the security of
33 the current examination process.

34 **Sec. 6.** This act becomes effective on July 1, 1999.