

SENATE BILL NO. 70—COMMITTEE ON FINANCE

(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 1, 1999

Referred to Committee on Finance

SUMMARY—Revises provisions governing program of accountability for public schools.
(BDR 34-248)

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

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

AN ACT relating to public schools; revising the provisions governing the program of
accountability for public schools; making an appropriation to the department of education
for remedial programs for certain 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.** Chapter 385 of NRS is hereby amended by adding thereto
2
3 the provisions set forth as sections 2 and 3 of this act.
4 **Sec. 2. 1. *The department shall not designate a public school***
5 ***pursuant to NRS 385.363 if:***
6 ***(a) The number of pupils who took the examinations administered***
7 ***pursuant to NRS 389.015 is less than 90 percent of the pupils who were***
8 ***required to take the examinations and were not exempt pursuant to the***
9 ***regulations of the department; and***
10 ***(b) At least 60 percent of the pupils enrolled in that school who took***
11 ***the examinations administered pursuant to NRS 389.015 received an***
12 ***average score on those examinations that is at least equal to the 26th percentile of***
13 ***the national reference group of pupils to which the***
14 ***examinations were compared.***

1 **2. If the department does not designate a public school pursuant to**
2 **NRS 385.363, the board of trustees of the school district in which the**
3 **school is located shall:**

4 **(a) Prepare a written statement explaining why the number of pupils**
5 **who took the examinations administered pursuant to NRS 389.015 is less**
6 **than 90 percent of the pupils who were required to take the**
7 **examinations;**

8 **(b) Prepare a written plan to increase the number of pupils who take**
9 **the examinations administered pursuant to NRS 389.015; and**

10 **(c) On or before May 1 of the year in which the school receives notice**
11 **pursuant to NRS 385.369 that a designation will not be made for the**
12 **school, submit the written statement and plan to the:**

13 **(1) Governor;**

14 **(2) Department;**

15 **(3) Committee; and**

16 **(4) Bureau.**

17 **Sec. 3. 1. If the department does not designate a school pursuant**
18 **to NRS 385.363 and, in the immediately succeeding school year, at least**
19 **90 percent of the pupils enrolled in the school who are required to take**
20 **the examinations administered pursuant to NRS 389.015 do not take the**
21 **examinations, the department shall designate the school as**
22 **demonstrating need for improvement and the provisions of NRS 385.373**
23 **apply.**

24 **2. If the department designates a school as demonstrating need for**
25 **improvement pursuant to subsection 1:**

26 **(a) The school shall, in the immediately succeeding school semester,**
27 **administer examinations to the pupils in the school who are enrolled in a**
28 **grade that is required to take the examinations pursuant to NRS 389.015.**
29 **The examinations must be the same examinations that are administered**
30 **to a national reference group of pupils in the same grade. The school**
31 **shall pay for all costs related to the administration of examinations**
32 **pursuant to this paragraph.**

33 **(b) The department shall monitor at the school the administration of**
34 **the examinations that are required pursuant to NRS 389.015 until the**
35 **school receives a designation as demonstrating exemplary achievement,**
36 **high achievement or adequate achievement pursuant to NRS 385.365.**

37 **3. A school that is designated as demonstrating need for**
38 **improvement pursuant to subsection 1 is not eligible to receive money for**
39 **remedial programs made available by legislative appropriation for the**
40 **purposes of NRS 385.389.**

41 **4. If the department designates a school as demonstrating need for**
42 **improvement pursuant to subsection 1 for two or more consecutive years,**
43 **the provisions of NRS 385.375 and 385.378 apply.**

1 **Sec. 4.** NRS 385.3455 is hereby amended to read as follows:
2 385.3455 As used in NRS 385.3455 to 385.391, inclusive, **and**
3 **sections 2 and 3 of this act**, unless the context otherwise requires, the
4 words and terms defined in NRS 385.346 and 385.3465 have the meanings
5 ascribed to them in those sections.

6 **Sec. 5.** NRS 385.347 is hereby amended to read as follows:
7 385.347 1. The board of trustees of each school district in this state,
8 in cooperation with associations recognized by the state board as
9 representing licensed personnel in education in the district, shall adopt a
10 program providing for the accountability of the school district to the
11 residents of the district and to the state board for the quality of the schools
12 and the educational achievement of the pupils in the district, including,
13 without limitation, pupils enrolled in charter schools in the school district.

14 2. The board of trustees of each school district shall, on or before
15 March 31 of each year, report to the residents of the district concerning:
16 (a) The educational goals and objectives of the school district.
17 (b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the
18 district and the district as a whole, including, without limitation, each
19 charter school in the district.

20 Unless otherwise directed by the department, the board of trustees of the
21 district shall base its report on the results of the examinations administered
22 pursuant to NRS 389.015 and shall compare the results of those
23 examinations for the current school year with those of previous school
24 years. The report must include, for each school in the district, including,
25 without limitation, each charter school in the district, and each grade in
26 which the examinations were administered:

27 (1) The number of pupils who took the examinations;
28 (2) An explanation of instances in which a school was exempt from
29 administering or a pupil was exempt from taking an examination; and
30 (3) A record of attendance for the period in which the examinations
31 were administered, including an explanation of any difference in the
32 number of pupils who took the examinations and the number of pupils ~~in~~
33 ~~attendance in that period.~~ **who are enrolled in the school.**

34 In addition, the board shall also report the results of other examinations of
35 pupil achievement administered to pupils in the school district in grades
36 other than 4, 8, 10 and 11. The results of these examinations for the current
37 school year must be compared with those of previous school years.

38 (c) The ratio of pupils to teachers in kindergarten and at each grade level
39 for each elementary school in the district and the district as a whole,
40 including, without limitation, each charter school in the district, the average class
41 size for each required course of study for each secondary school in the
42 district and the district as a whole, including, without limitation, each

1 charter school in the district, and other data concerning licensed and
2 unlicensed employees of the school district.

3 (d) ~~{A comparison of the types of classes that each teacher has}~~ **The**
4 **number of teachers who have** been assigned to teach ~~{with the~~
5 ~~qualifications and licensure of the teacher,}~~ **English, mathematics, science**
6 **or social studies but do not possess a license with an endorsement to**
7 **teach in that subject area,** for each school in the district and the district as
8 a whole, including, without limitation, each charter school in the district.

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

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

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

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

15 (g) The annual rate of the attendance and truancy of pupils in all grades,
16 including, without limitation, the average daily attendance of pupils, for
17 each school in the district and the district as a whole, including, without
18 limitation, each charter school in the district.

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

22 (i) Records of attendance of teachers who provide instruction, for each
23 school in the district and the district as a whole, including, without
24 limitation, each charter school in the district.

25 (j) Efforts made by the school district and by each school in the district,
26 including, without limitation, each charter school in the district, to increase:

27 (1) Communication with the parents of pupils in the district; and

28 (2) The participation of parents in the educational process and
29 activities relating to the school district and each school, including, without
30 limitation, the existence of parent organizations and school advisory
31 committees.

32 (k) Records of incidents involving weapons or violence for each school
33 in the district, including, without limitation, each charter school in the
34 district.

35 (l) Records of incidents involving the use or possession of alcoholic
36 beverages or controlled substances for each school in the district, including,
37 without limitation, each charter school in the district.

38 (m) Records of the suspension and expulsion of pupils required or
39 authorized pursuant to NRS 392.466 and 392.467.

40 (n) **The number of pupils who are deemed habitual disciplinary**
41 **problems pursuant to NRS 392.4655, for each school in the district and the district**
42 **as a whole, including, without limitation, each charter school**
43 **in the district.**

1 ***(o) The number of pupils in each grade who are retained in the same***
2 ***grade pursuant to NRS 392.125, for each school in the district and the***
3 ***district as a whole, including, without limitation, each charter school in***
4 ***the district.***

5 ***(p)*** The transiency rate of pupils for each school in the district and the
6 district as a whole, including, without limitation, each charter school in the
7 district.

8 ~~***(e)***~~ ***(q)*** Each source of funding for the school district.

9 ~~***(p)***~~ ***(r)*** For each high school in the district, including, without
10 limitation, each charter school in the district, the percentage of pupils who
11 graduated from that high school or charter school in the immediately
12 preceding year and enrolled in remedial courses in reading, writing or
13 mathematics at a university or community college within the University and
14 Community College System of Nevada.

15 ~~***(q)***~~ ***(s)*** The technological facilities and equipment available at each
16 school, including, without limitation, each charter school, and the district's
17 plan to incorporate educational technology at each school.

18 ~~***(r)***~~ ***(t)*** Such other information as is directed by the superintendent of
19 public instruction.

20 3. The superintendent of public instruction shall:

21 (a) Prescribe forms for the reports required pursuant to subsection 2 and
22 provide the forms to the respective school districts.

23 (b) Provide statistical information and technical assistance to the school
24 districts to ensure that the reports provide comparable information with
25 respect to each school in each district and among the districts.

26 (c) Consult with a representative of the:

27 (1) Nevada State Education Association;

28 (2) Nevada Association of School Boards;

29 (3) Nevada Association of School Administrators;

30 (4) Nevada Parent Teachers Association;

31 (5) Budget division of the department of administration; and

32 (6) Legislative counsel bureau,

33 concerning the program and consider any advice or recommendations
34 submitted by the representatives with respect to the program.

35 4. ***The superintendent of public instruction may consult with***
36 ***representatives of parent groups other than the Nevada Parent Teachers***
37 ***Association concerning the program and consider any advice or***
38 ***recommendations submitted by the representatives with respect to the***
39 ***program.***

40 5. On or before April 15 of each year, the board of trustees of each
41 school district shall submit to the advisory board to review school attendance created
42 in the county pursuant to NRS 392.126 the information
43 required in paragraph (g) of subsection 2.

Sec. 6. NRS 385.351 is hereby amended to read as follows:

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

- (a) Governor;
- (b) State board;
- (c) Department;
- (d) Committee; and
- (e) Bureau.

2. On or before April 15 of each year, the board of trustees of each school district shall submit the information prepared by the board of trustees pursuant to paragraph ~~[(a)]~~ (s) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before June 15 of each year, the board of trustees of each school district shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the district's program of accountability during the 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 individual schools that are revealed by the review and analysis ~~[-]~~ ;

(III) A summary of the efforts that the school district has made or intends to make in response to the deficiencies or recommendations identified in the report submitted to the district pursuant to paragraph (b) of subsection 1 of NRS 385.359; and

(IV) A description of the progress that the school district has achieved, if any, as a result of the recommendations submitted pursuant to paragraph (b) of subsection 1 of NRS 385.359 in preceding years.

(2) A written procedure to improve the achievement of pupils who are enrolled in schools within the district, including, but not limited to, a description of the efforts the district 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 board of trustees 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) Committee; and

1 (5) Bureau.

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

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

10 **Sec. 7.** NRS 385.356 is hereby amended to read as follows:

11 385.356 The department shall maintain a record of the:

12 1. Information that it receives from each school district pursuant to
13 NRS 385.351; and

14 2. Designation made for each school pursuant to NRS 385.363 ~~and~~ **and**
15 **section 3 of this act**,
16 in such a manner as will allow the department to evaluate the progress of
17 each school in improving the achievement of pupils who are enrolled in the
18 school on the examinations required pursuant to NRS 389.015, **improving**
19 the attendance of pupils who are enrolled in the school ~~and~~, **improving**
20 the attendance of teachers who provide instruction at the school ~~and~~ **and**
21 **increasing the number of pupils who take the examinations required**
22 **pursuant to NRS 389.015.**

23 **Sec. 8.** NRS 385.359 is hereby amended to read as follows:

24 385.359 1. The bureau shall contract with a person or entity to:

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

28 (b) ~~Consult~~ **Submit a written report to and consult** with each school
29 district regarding any methods by which the district may improve the
30 accuracy of the report required pursuant to subsection 2 of NRS 385.347
31 and the written report and written procedure required pursuant to NRS
32 385.351, and the purposes for which the reports and written procedure are
33 used; and

34 (c) Submit written reports and any recommendations to the committee
35 and the bureau concerning:

36 (1) The effectiveness of the provisions of NRS 385.3455 to 385.391,
37 inclusive, **and sections 2 and 3 of this act**, in improving the accountability
38 of the schools of this state;

39 (2) The status of each school that is designated as demonstrating
40 ~~inadequate achievement~~ **need for improvement** pursuant to NRS 385.367
41 ~~and~~ **and section 3 of this act**; and

42 (3) Any other matter related to the accountability of the public
43 schools of this state, as deemed necessary by the bureau.

1 2. The consultant with whom the bureau contracts to perform the duties
2 required pursuant to subsection 1:

3 (a) Must possess the experience and knowledge necessary to perform
4 those duties, as determined by the committee; and

5 (b) Shall complete those duties within 6 months after the bureau
6 provides to the consultant the report required pursuant to subsection 2 of
7 NRS 385.347 and the written report and written procedure required
8 pursuant to NRS 385.351.

9 **Sec. 9.** NRS 385.363 is hereby amended to read as follows:

10 385.363 The department shall, on or before ~~[December 15]~~ **April 1** of
11 each year:

12 1. Evaluate the information submitted by each school district pursuant
13 to paragraphs (b) ~~[(g) and (i)]~~ **and (g)** of subsection 2 of NRS 385.347;
14 and

15 2. ~~[Based]~~ **Except as otherwise provided in section 2 of this act, based**
16 upon its evaluation and in accordance with the criteria set forth in NRS
17 385.365 and 385.367, designate each public school within each school
18 district as:

19 (a) **Demonstrating exemplary achievement;**

20 (b) Demonstrating high achievement;

21 ~~[(b)] (c) Demonstrating adequate achievement; or~~

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

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

24 **Sec. 10.** NRS 385.365 is hereby amended to read as follows:

25 385.365 1. The department shall designate a public school as
26 demonstrating ~~[high]~~ **exemplary** achievement if:

27 (a) The number of pupils who took the examinations administered
28 pursuant to NRS 389.015 is at least equal to 95 percent of the pupils who
29 were required to take the examinations and were not exempt pursuant to the
30 regulations of the department;

31 (b) At least 50 percent of the pupils enrolled in that school who took the
32 examinations administered pursuant to NRS 389.015 received an average
33 score on those examinations that is at least equal to the ~~[75th]~~ **76th**
34 percentile of the national reference group of pupils to which the
35 examinations were compared; and

36 (c) The average daily attendance of pupils who are enrolled in the
37 school ~~[and the teachers who provide instruction at the school is more than]~~
38 **is at least** 95 percent.

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

41 (a) **The number of pupils who took the examinations administered**
42 **pursuant to NRS 389.015 is at least equal to 93 percent of the pupils who**

1 *were required to take the examinations and were not exempt pursuant to*
2 *the regulations of the department;*

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

8 *(c) The average daily attendance of pupils who are enrolled in the*
9 *school is at least 93 percent.*

10 3. The department shall designate a public school as demonstrating
11 adequate achievement if:

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

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

21 (c) The average daily attendance of pupils who are enrolled in the
22 school ~~{and the teachers who provide instruction at the school is more than}~~
23 *is at least 90 percent.*

24 **Sec. 11.** NRS 385.367 is hereby amended to read as follows:

25 385.367 The department shall designate a public school as
26 demonstrating ~~{inadequate achievement}~~ **need for improvement** if:

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

32 2. The average daily attendance of pupils who are enrolled in the
33 school ~~{and the teachers who provide instruction at the school}~~ is less than
34 90 percent for 3 or more consecutive years based upon the yearly profile of
35 information for the school maintained by the department pursuant to
36 subsection 4 of NRS 385.351.

37 **Sec. 12.** NRS 385.369 is hereby amended to read as follows:

38 385.369 1. As soon as practicable after the department makes a
39 designation pursuant to NRS 385.363 ~~{,}~~ **or section 3 of this act**, the
40 department shall provide written notice of the designation to the principal
41 of the particular school. ~~{In addition,}~~ **If the department does not designate a public**
42 **school for the reasons set forth in section 2 of this act, the**
43 **department** shall provide written notice ~~{of each such designation}~~ **as soon**

1 *as practicable to the principal of the particular school that a designation*
2 *will not be made for the school.*

3 **2. For each public school that is designated pursuant to NRS**
4 **385.363 or section 3 of this act, the department shall provide written**
5 **notice of each such designation as follows:**

6 ~~[(1.)~~ (a) Designations for all of the schools of this state to the:

7 ~~[(a) Governor;~~

8 ~~[(b) Committee;~~

9 ~~[(c) Bureau; and~~

10 ~~[(d) State board.~~

11 ~~2.)~~

12 (1) Governor;

13 (2) Committee;

14 (3) Bureau; and

15 (4) State board.

16 (b) Designations for all of the schools within a school district to the:

17 ~~[(a)]~~ (1) Superintendent of schools of the school district; and

18 ~~[(b)]~~ (2) Board of trustees of the school district.

19 Each notice that the department provides pursuant to this ~~[section]~~
20 **subsection** must include, for each school that the department designates as
21 demonstrating ~~[inadequate achievement,]~~ **need for improvement**, the
22 number of consecutive years, if any, in which the school has received that
23 designation.

24 **3. If the department does not designate a public school for the**
25 **reasons set forth in section 2 of this act, the department shall provide**
26 **written notice of:**

27 (a) *The schools of this state that did not receive a designation and the*
28 *reasons therefor to the:*

29 (1) Governor;

30 (2) Committee;

31 (3) Bureau; and

32 (4) State board.

33 (b) *The schools within a school district that did not receive a*
34 *designation and the reasons therefor to the:*

35 (1) Superintendent of schools of the school district; and

36 (2) Board of trustees of the school district.

37 **Sec. 13.** NRS 385.371 is hereby amended to read as follows:

38 385.371 If the department designates a school as demonstrating
39 ~~[inadequate achievement]~~ **need for improvement** pursuant to NRS 385.367 and the
40 provisions of NRS 385.373 and 385.375 do not apply, the board of
41 trustees of the school district in which the school is located shall:

1 1. Prepare for that school a plan to improve the achievement of the
2 school's pupils as measured by the examinations required pursuant to NRS
3 389.015.

4 2. On or before ~~{February 15}~~ **May 1** of the year ~~{immediately}~~
5 ~~succeeding the year}~~ in which the designation was made, submit the plan to
6 the:

- 7 (a) Governor;
- 8 (b) Department;
- 9 (c) Committee; and
- 10 (d) Bureau.

11 **Sec. 14.** NRS 385.373 is hereby amended to read as follows:

12 385.373 If the department designates a school as demonstrating
13 ~~{inadequate achievement}~~ **need for improvement** pursuant to NRS 385.367
14 for 2 consecutive years ~~{}~~ **or pursuant to section 3 of this act for 1 year,**
15 the department shall:

16 1. Place the school on academic probation.

17 2. Prepare for that school a plan to ~~{improve}~~ :

18 **(a) Improve** the achievement of the pupils who are enrolled in the
19 school as measured by the examinations required pursuant to NRS 389.015.

20 **(b) If the school received a designation pursuant to section 3 of this**
21 **act, increase the number of pupils who take the examinations required**
22 **pursuant to NRS 389.015.**

23 3. On or before ~~{February 15}~~ **May 1** of the year ~~{immediately}~~
24 ~~succeeding the year}~~ in which the second designation was made ~~{}~~
25 **pursuant to NRS 385.367 or the first designation was made pursuant to**
26 **section 3 of this act,** submit the plan to the:

- 27 (a) Board of trustees of the school district in which the school is located;
- 28 (b) Governor;
- 29 (c) State board;
- 30 (d) Committee; and
- 31 (e) Bureau.

32 **Sec. 15.** NRS 385.375 is hereby amended to read as follows:

33 385.375 If the department designates a school as demonstrating
34 ~~{inadequate achievement}~~ **need for improvement** pursuant to NRS 385.367
35 for 3 or more consecutive years ~~{}~~ **or pursuant to section 3 of this act for**
36 **2 or more consecutive years:**

37 1. The department shall:

38 (a) Continue the academic probation of the school;

39 (b) Prepare for that school a plan to ~~{improve}~~ :

40 **(1) Improve** the achievement of the school's pupils as measured by
41 the examinations required pursuant to NRS 389.015; ~~{and}~~

1 ***(2) If the school received a designation pursuant to section 3 of this***
2 ***act, increase the number of pupils who take the examinations required***
3 ***pursuant to NRS 389.015; and***

4 (c) Submit the plan to the:

5 (1) Board of trustees of the school district in which the school is
6 located;

7 (2) Governor;

8 (3) State board;

9 (4) Committee; and

10 (5) Bureau.

11 A plan prepared and submitted by the department pursuant to this
12 subsection must contain specific information about the school, including,
13 but not limited to, information concerning the administrative operation of
14 the school, the curriculum of the school and the financial and other
15 resources of the school.

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

22 **Sec. 16.** NRS 385.378 is hereby amended to read as follows:

23 385.378 1. Except as otherwise provided in ~~{subsection 3,}~~
24 ***subsections 3 and 4***, in addition to the requirements set forth in NRS
25 385.373 and 385.375, if a school receives two or more consecutive
26 designations as demonstrating ~~{inadequate achievement,}~~ ***need for***
27 ***improvement pursuant to NRS 385.367 or section 3 of this act***, the
28 department shall, on or before ~~{January 15,}~~ ***April 10***, establish a panel to
29 supervise the academic probation of the school. A panel established
30 pursuant to this section consists of nine members appointed by the
31 superintendent of public instruction as follows:

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

34 (b) Two representatives of the private sector;

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

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

42 2. For each day or portion of a day during which a member of the panel
43 attends a meeting of the panel or is otherwise engaged in the work of the

1 panel, he is entitled to receive the per diem allowance and travel expenses
2 provided for state officers and employees generally. The school district in
3 which the school on academic probation is located shall pay the allowances
4 and expenses authorized pursuant to this subsection.

5 3. If a school receives two or more consecutive designations as
6 demonstrating ~~inadequate achievement;~~ **need for improvement pursuant**
7 **to NRS 385.367**, the school may submit to the department a request for a
8 waiver of the requirement for the establishment of a panel to supervise the
9 academic probation of the school. The department may grant such a waiver
10 if the yearly profile of information for the school maintained by the
11 department pursuant to subsection 4 of NRS 385.351 demonstrates to the
12 satisfaction of the department that the school has significantly improved in
13 each of the immediately preceding 3 years covered by the profile.

14 4. ***If a school receives two or more consecutive designations as***
15 ***demonstrating need for improvement pursuant to section 3 of this act, the***
16 ***school may submit to the department a request for a waiver of the***
17 ***requirement for the establishment of a panel to supervise the academic***
18 ***probation of the school. The department may grant such a waiver if the***
19 ***yearly profile of information for the school maintained by the department***
20 ***pursuant to subsection 4 of NRS 385.351 demonstrates to the satisfaction***
21 ***of the department that the number of pupils enrolled in the school who***
22 ***take the examinations required pursuant to NRS 389.015 has***
23 ***significantly increased in each of the immediately preceding 2 years***
24 ***covered by the profile.***

25 5. If the department grants a waiver pursuant to subsection 3 ~~1~~ **or 4**, it
26 shall, on or before ~~February 15~~ **May 1** of each year, prepare a list that
27 contains the name of each school for which the department has granted a
28 waiver and the justification of the department for granting the waiver. The
29 department shall submit the list to the:

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

34 **Sec. 17.** NRS 385.381 is hereby amended to read as follows:

35 385.381 1. A panel established pursuant to NRS 385.378 shall:

36 (a) Review the most recent plan prepared by the department for the
37 school pursuant to NRS 385.373 or 385.375 or the plan prepared by the
38 board of trustees of the school district pursuant to NRS 385.371 ~~1~~ **or**
39 **section 2 of this act;**

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

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

4 (d) On or before ~~[April 1,]~~ **November 1**, prepare a written report that
5 includes an analysis of the problems and factors at the school which
6 contributed to the designation of the school as demonstrating ~~inadequate~~
7 ~~achievement, including, but not limited to,~~ **need for improvement,**
8 **including, without limitation,** issues relating to:

9 (1) The financial resources of the school;

10 (2) The administrative and educational personnel of the school;

11 (3) The curriculum of the school;

12 (4) The facilities available at the school, including the availability and
13 accessibility of educational technology; and

14 (5) Any other factors that the panel believes contributed to the
15 designation of the school as demonstrating ~~inadequate achievement;~~ **need**
16 **for improvement;**

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

18 (1) Principal of the school;

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

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

23 (4) Superintendent of public instruction;

24 (5) Governor;

25 (6) State board;

26 (7) Department;

27 (8) Committee; and

28 (9) Bureau;

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

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

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

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

40 (b) Submit to the panel a copy of an amended plan for the school which
41 demonstrates to the satisfaction of the panel that the department incorporated the
42 revisions adopted by the panel pursuant to paragraph (g)
43 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 **or section 3 of this act** 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. 18. 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. 19. 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.

(b) May take any action not prohibited by law to ensure that ~~the~~ :

(1) The performance of the pupils of the school on the examinations administered pursuant to NRS 389.015; **and**

1 ***(2) If the school received two or more consecutive designations***
2 ***pursuant to section 3 of this act, the number of pupils who take the***
3 ***examinations administered pursuant to NRS 389.015,***
4 improves to such a level that the school is designated as demonstrating
5 ***exemplary achievement***, high achievement or adequate achievement
6 pursuant to NRS 385.365.

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

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

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

24 **Sec. 20.** NRS 385.389 is hereby amended to read as follows:

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

31 2. A school that receives a designation as demonstrating ~~inadequate~~
32 ~~achievement~~ ***need for improvement*** pursuant to NRS 385.367 shall ***adopt***
33 ***a program of remedial study that has been adopted by the department***
34 ***pursuant to subsection 1.***

35 3. ***A school district that includes a school which receives a***
36 ***designation of demonstrating need for improvement pursuant to NRS***
37 ***385.367 shall ensure that each of ~~its~~ the pupils enrolled in the school***
38 ***who ~~fails~~ failed to demonstrate at least adequate achievement on the***
39 ***examinations administered pursuant to NRS 389.015 completes, in***
40 ***accordance with the requirements set forth in subsection 5 of NRS 389.015,***
41 ***~~a program of~~ remedial study ~~adopted by the department.~~ that is***
42 ***determined to be appropriate for the pupil.***

1 **Sec. 21.** NRS 385.391 is hereby amended to read as follows:

2 385.391 The department shall adopt:

3 1. Regulations to provide for the recognition of schools that receive a
4 designation as demonstrating ***exemplary achievement or*** high achievement
5 pursuant to ~~subsection 1 of~~ NRS 385.365;

6 2. Regulations which prescribe the factors that the department will
7 consider in determining whether to grant a waiver from the establishment of
8 a panel to supervise the academic probation of a school pursuant to NRS
9 385.378, including, without limitation, criteria for determining whether ~~it~~

10 :

11 (a) A school has significantly improved ~~it~~ ***for the purpose of***
12 ***subsection 3 of NRS 385.378;*** and

13 (b) ***The number of pupils enrolled in a school who take the***
14 ***examinations required pursuant to NRS 389.015 has significantly***
15 ***increased for the purpose of subsection 4 of NRS 385.378; and***

16 3. Such regulations as it deems necessary to carry out the provisions of
17 this section and NRS 385.3455 to 385.386, inclusive, ***and sections 2 and 3***
18 ***of this act***, including, without limitation, uniform standards for the type and
19 format of data that must be submitted by the school districts and the time by
20 which such data must be submitted.

21 **Sec. 22.** NRS 386.605 is hereby amended to read as follows:

22 386.605 1. On or before April 15 of each year, the governing body of
23 each charter school shall submit the report required pursuant to subsection
24 2 of NRS 385.347 to the:

25 (a) Governor;

26 (b) State board;

27 (c) Department;

28 (d) Legislative committee on education created pursuant to NRS
29 218.5352; and

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

32 2. On or before April 15 of each year, the governing body of each
33 charter school shall submit the information prepared by the governing body
34 pursuant to paragraph ~~1(e)~~ ***(s)*** of subsection 2 of NRS 385.347 to the
35 commission on educational technology created pursuant to NRS 388.790.

36 3. On or before June 15 of each year, the governing body of each
37 charter school shall:

38 (a) Prepare:

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

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

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

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

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

- 11 (1) Governor;
- 12 (2) State board;
- 13 (3) Department;
- 14 (4) Legislative committee on education created pursuant to NRS
15 218.5352; and

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

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

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

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

32 **Sec. 23.** NRS 389.015 is hereby amended to read as follows:

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

- 39 (a) Reading;
- 40 (b) Writing;
- 41 (c) Mathematics; and
- 42 (d) Science.

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

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

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

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

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

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

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

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

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

39 5. If a pupil fails to demonstrate at least adequate achievement on the
40 examination administered before the completion of grade 4, 8 or 10, he
41 may be promoted to the next higher grade, but the results of his examination must be
42 evaluated to determine what remedial study is
43 appropriate. If such a pupil is enrolled at a school that has been designated

1 as demonstrating ~~[inadequate achievement]~~ **need for improvement** pursuant
2 to NRS 385.367 the pupil must, in accordance with the requirements set
3 forth in this subsection, complete ~~[a program of]~~ remedial study ~~[pursuant~~
4 ~~to NRS 385.389.]~~ **that is determined to be appropriate for the pupil.**

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

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

20 (a) To the extent necessary for administering and evaluating the
21 examinations.

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

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

30 **Sec. 24.** NRS 392.128 is hereby amended to read as follows:

31 392.128 1. Each advisory board to review school attendance created
32 pursuant to NRS 392.126 shall:

33 (a) Review the records of the rate of attendance and truancy of pupils
34 submitted to the advisory board to review school attendance by the board
35 of trustees of the school district pursuant to subsection ~~[4]~~ 5 of NRS
36 385.347;

37 (b) Identify factors that contribute to the rate of truancy of pupils in the
38 school district;

39 (c) Establish programs to reduce the rate of truancy of pupils in the
40 school district;

41 (d) At least annually, evaluate the effectiveness of those programs;

1 (e) Establish a procedure for schools and school districts for the
2 reporting of the status of pupils as habitual truants and the issuance of
3 citations pursuant to NRS 392.142; and

4 (f) Inform the parents and legal guardians of the pupils who are enrolled
5 in the schools within the district of the policies and procedures adopted
6 pursuant to the provisions of this section.

7 2. An advisory board to review school attendance created in a county
8 pursuant to NRS 392.126 may use money appropriated by the legislature
9 and any other money made available to the advisory board for the use of
10 programs to reduce the truancy of pupils in the school district. The advisory
11 board to review school attendance shall, on a quarterly basis, provide to the
12 board of trustees of the school district an accounting of the money used by
13 the advisory board to review school attendance to reduce the rate of truancy
14 of pupils in the school district.

15 **Sec. 25.** 1. There is hereby appropriated from the state general fund
16 to the department of education the sum of \$4,000,000 to be distributed
17 among certain schools that have been designated as demonstrating need for
18 improvement and certain schools that have been designated as
19 demonstrating adequate achievement.

20 2. A school that receives a designation as demonstrating need for
21 improvement pursuant to NRS 385.367 may submit to the department of
22 education, for transmission to the state board of examiners, an application
23 for an allocation from the appropriation. A school that receives a
24 designation as demonstrating adequate achievement may submit to the
25 department of education, for transmission to the state board of examiners,
26 an application for an allocation from the appropriation if at least 40 percent
27 of the pupils enrolled in the school received an average score at or below
28 the 25th percentile on three of the four subjects tested pursuant to NRS
29 389.015. The department of education shall, in consultation with the budget
30 division of the department of administration and the fiscal analysis division
31 of the legislative counsel bureau, develop a form for such applications.

32 3. Upon receipt of such an application, the department of education
33 shall review the application. The department of education shall transmit the
34 application to the state board of examiners with the recommendation of the
35 department concerning the allocation of money based upon each
36 application so received. The state board of examiners shall consider each
37 such application and, if it finds that an allocation should be made,
38 recommend the amount of the allocation to the interim finance committee.
39 The interim finance committee shall consider each such recommendation
40 but is not bound to follow the recommendation of the state board of examiners. In
41 determining the amount of the allocation, the state board of
42 examiners and the interim finance committee shall consider:

1 (a) The total number of pupils who are enrolled in the school who failed
2 to demonstrate at least adequate achievement on the examinations
3 administered pursuant to NRS 389.015; and

4 (b) The need of the particular school.

5 4. A school that receives money pursuant to subsection 3 shall use the
6 money to:

7 (a) Pay the costs incurred by the school in providing the program of
8 remedial study required by NRS 385.389. The money must first be applied
9 to those pupils who the school determines are performing at a level which
10 poses the highest risk of failure.

11 (b) Pay for the salaries, training or other compensation of teachers and
12 other educational personnel to provide the program of remedial study,
13 instructional materials required for the remedial study, equipment necessary
14 to offer the program of remedial study and all other additional operating
15 costs attributable to the program of remedial study.

16 (c) Supplement and not replace the money the school would otherwise
17 expend for programs of remedial study.

18 5. A school that receives money pursuant to subsection 3 shall not use
19 the money to:

20 (a) Settle or arbitrate disputes or negotiate settlements between an
21 organization that represents licensed employees of the school district and
22 the school district.

23 (b) Adjust the schedules of salaries and benefits of the employees of the
24 school district.

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

29 **Sec. 26.** 1. This section and section 25 of this act become effective
30 upon passage and approval.

31 2. Sections 1 to 24, inclusive, of this act become effective on July 1,
32 1999.