

Senate Bill No. 70—Committee on Finance

CHAPTER.....

AN ACT relating to public schools; revising the provisions governing the program of accountability for public schools; requiring a charter school to adopt a final budget in accordance with the regulations of the department of education; revising provisions governing the administration and reporting of the achievement and proficiency examinations; and providing other matters properly relating thereto.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The department shall not designate a public school pursuant to NRS 385.363 if:*

(a) The number of pupils who took the examinations administered pursuant to NRS 389.015 is less than 90 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department; and

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

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

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

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

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

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

Sec. 3. 1. *If the department does not designate a school pursuant to NRS 385.363 and, in the immediately succeeding school year, less than 90 percent of the pupils enrolled in the school who are required to take the examinations administered pursuant to NRS 389.015 take the examinations, the department shall designate the school as*

demonstrating need for improvement and the provisions of NRS 385.373 apply.

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

(a) The school shall, within the same school year, administer examinations to the pupils in the school who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015. The examinations must be the same examinations that are administered to a national reference group of pupils in the same grade. The school district shall pay for all costs related to the administration of examinations pursuant to this paragraph.

(b) The department or its designee shall monitor at the school the administration of the examinations that are required pursuant to NRS 389.015 and ensure that all eligible pupils who are in attendance on the day of the administration of the examinations are given an opportunity to take the examinations until the school receives a designation as demonstrating exemplary achievement, high achievement or adequate achievement pursuant to NRS 385.365.

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

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

Sec. 4. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 385.346 and 385.3465 have the meanings ascribed to them in those sections.

Sec. 5. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district.

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered

pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

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

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

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

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

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

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

- (1) Any special programs for pupils at an individual school; and
- (2) The curriculum used by each charter school in the district.

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

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

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

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

- (1) Communication with the parents of pupils in the district; and
- (2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

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

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

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

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

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

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. *For the purposes of this paragraph, a pupil is not transient if he is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.*

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

~~(r)~~ (r) *The amount and sources of money received for remedial education for each school in the district and the district as a whole, including, without limitation, each charter school in the district.*

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

~~(t)~~ (t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

~~(u)~~ (u) *For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who graduate with:*

- (1) A standard high school diploma

.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) Such other information as is directed by the superintendent of public instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which he is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The superintendent of public instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teachers Association;

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

(6) Legislative counsel bureau,

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

~~*[4.]*~~ *5. The superintendent of public instruction may consult with representatives of parent groups other than the Nevada Parent Teachers Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.*

6. On or before April 15 of each year, the board of trustees of each school district shall submit to the advisory board to review school attendance created in the county pursuant to NRS 392.126 the information 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 ~~H(q)~~ (t) 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 ~~H~~ and *a review and analysis of any data that is more recent than the data upon which the report is based;*

(II) The identification of any problems or factors at individual schools that are revealed by the review and analysis ~~H~~ ;

(III) A summary of the efforts that the school district has made or intends to make in response to the deficiencies or in response to the 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 and any other analyses made 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
- (5) Bureau.

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

5. The board of trustees of each school district 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 school district adopted pursuant to NRS 354.598.

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

385.356 The department shall maintain a record of the:

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

2. Designation made for each school pursuant to NRS 385.363 ~~H~~ **and section 3 of this act,**

in such a manner as will allow the department to evaluate the progress of each school in improving the achievement of pupils who are enrolled in the school on the examinations required pursuant to NRS 389.015, **improving the attendance of pupils who are enrolled in the school and ~~the attendance of teachers who provide instruction at the school.~~ increasing the number of pupils who take the examinations required pursuant to NRS 389.015.**

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

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

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

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

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

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

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

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

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

- (a) Must possess the experience and knowledge necessary to perform those duties, as determined by the committee; and
- (b) Shall complete those duties within 6 months after the bureau provides to the consultant the report required pursuant to subsection 2 of NRS 385.347 and the written report and written procedure required pursuant to NRS 385.351.

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

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

- 1. Evaluate the information submitted by each school district pursuant to paragraphs (b) ~~[(g) and (i)]~~ **and (g)** of subsection 2 of NRS 385.347; and
- 2. ~~Based~~ **Except as otherwise provided in subsection 3 and section 2 of this act, based** upon its evaluation and in accordance with the criteria set forth in NRS 385.365 and 385.367, designate each public school within each school district as:

- (a) **Demonstrating exemplary achievement;**
- (b) Demonstrating high achievement;
- ~~[(b)] (c) Demonstrating adequate achievement; or~~
- ~~[(c)] Demonstrating inadequate achievement.~~
- (d) **Demonstrating need for improvement.**

3. **The department shall adopt regulations that set forth the conditions under which the department will not designate a public school pursuant to this section because the school:**

- (a) **Has too few pupils enrolled in a grade level that is tested pursuant to NRS 389.015;**
- (b) **Serves only pupils with disabilities;**
- (c) **Operates only as an alternative program for the education of pupils at risk of dropping out of high school; or**
- (d) **Is operated within 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.**

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

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

- (a) The number of pupils who took the examinations administered pursuant to NRS 389.015 is at least equal to 95 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department;
- (b) At least 50 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average

score on those examinations that is at least equal to the ~~[75th]~~ **76th** percentile of the national reference group of pupils to which the examinations were compared; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~{1.}~~ **(a)** Designations for all of the schools of this state to the:

- ~~{(a) Governor;~~
- ~~{(b) Committee;~~
- ~~{(c) Bureau; and~~
- ~~{(d) State board.~~

~~2.}~~

- (1) Governor;**
- (2) Committee;**
- (3) Bureau; and**
- (4) State board.**

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

- ~~{(a)}~~ **(1)** Superintendent of schools of the school district; and
- ~~{(b)}~~ **(2)** Board of trustees of the school district.

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

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

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

- (1) Governor;**
- (2) Committee;**
- (3) Bureau; and**
- (4) State board.**

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

- (1) Superintendent of schools of the school district; and**
- (2) Board of trustees of the school district.**

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

385.371 If the department designates a school as demonstrating ~~{inadequate achievement}~~ **need for improvement** pursuant to NRS 385.367

and the provisions of NRS 385.373 and 385.375 do not apply, the board of trustees of the school district in which the school is located shall:

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

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

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

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

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

1. Place the school on academic probation.

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

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

- (b) *If the school received a designation pursuant to section 3 of this act, increase the number of pupils who take the examinations required pursuant to NRS 389.015 and ensure that all eligible pupils who are in attendance on the day that the examinations are administered are given an opportunity to take the examinations.*

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

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

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

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

1. The department shall:

- (a) Continue the academic probation of the school;
- (b) Prepare for that school a plan to ~~improve~~ :

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

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

(c) ~~{Submit}~~ *On or before May 1 of the year in which the third or subsequent designation was made pursuant to NRS 385.367 or the second or subsequent designation was made pursuant to section 3 of this act, submit* the plan to the:

- (1) Board of trustees of the school district in which the school is located;
- (2) Governor;
- (3) State board;
- (4) Committee; and
- (5) Bureau.

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

2. The board of trustees of the school district in which the school is located shall, until such time as the school is designated as demonstrating *exemplary achievement*, high achievement or adequate achievement pursuant to NRS 385.365, make ~~{at least four}~~ *two* reports per year, *one at the end of each semester*, to the department, the committee, *the bureau* and the governor concerning the progress of the school in carrying out the plan prepared pursuant to subsection 1.

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

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

- (a) Two instructors or professors who provide instruction within the University and Community College System of Nevada;
- (b) ~~{Two representatives}~~ *One representative* of the private sector;
- (c) Two parents or legal guardians of pupils who are enrolled in the school; ~~{and}~~
- (d) *One person who is a member of the board of trustees of a school district; and*
- (e) Three persons who are licensed educational personnel at public schools within this state. ~~{Two of the persons}~~ *One person* appointed pursuant to this paragraph must be *a* classroom ~~{teachers who provide}~~ *teacher who provides* instruction at ~~{schools that are}~~ *a school that is* not

located within the same school district as the school which is the subject of the evaluation. ***One person appointed pursuant to this paragraph must be an administrator at a school that is not located within the same school district as the school which is the subject of the evaluation.***

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

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

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

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

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

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

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

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

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

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

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

- (1) The financial resources of the school;
- (2) The administrative and educational personnel of the school;
- (3) The curriculum of the school;
- (4) The facilities available at the school, including the availability and accessibility of educational technology; and
- (5) Any other factors that the panel believes contributed to the designation of the school as demonstrating ~~inadequate achievement;~~ **need for improvement;**

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

- (1) Principal of the school;
- (2) Board of trustees of the school district in which the school is located;
- (3) Superintendent of schools of the school district in which the school is located;
- (4) Superintendent of public instruction;
- (5) Governor;
- (6) State board;
- (7) Department;
- (8) Committee; and
- (9) Bureau;

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

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

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

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

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

3. The department shall submit to the panel a copy of the designation that it gives to the school pursuant to NRS 385.363 *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,}~~ *December 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,}~~ *January 15*, 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}~~ *Make two* reports , *one at the end of each semester*, to the department, the governor , *the bureau* 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*

(2) *If the school received two or more consecutive designations pursuant to section 3 of this act, the number of pupils who take the examinations administered pursuant to NRS 389.015,*

improves to such a level that the school is designated as demonstrating **exemplary achievement**, high achievement or adequate achievement pursuant to NRS 385.365.

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

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

4. If a school for which an administrator is appointed pursuant to this section receives a designation of demonstrating **exemplary achievement**, high achievement or adequate achievement pursuant to NRS 385.365, the superintendent of public instruction shall terminate the oversight of the school by the administrator. After the superintendent terminates the oversight of the school, the board of trustees of the school district in which the school is located shall, ~~on a quarterly basis and~~ until such time as the school receives two consecutive designations of demonstrating **exemplary achievement**, high achievement or adequate achievement pursuant to NRS 385.365, make **two** reports, **one at the end of each semester**, to the department, the committee, **the bureau** and the governor regarding actions taken at the school to maintain that designation.

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

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

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

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

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

385.391 The department shall adopt:

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

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

~~to~~ :

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

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

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

Sec. 21.5. 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 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.

12. Adopt a final budget in accordance with the regulations adopted by the department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

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

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

- (a) Governor;
- (b) State board;
- (c) Department;
- (d) Legislative committee on education created pursuant to NRS 218.5352; and
- (e) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

2. On or before April 15 of each year, the governing body of each charter school shall submit the information prepared by the governing body pursuant to paragraph ~~(e)~~ (t) 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 governing body of each charter school shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the charter school'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 ***a review and analysis of any data that is more recent than the data upon which the report 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.]~~ *by the governing body of the charter school.*

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

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

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 8, 10 and 11.
- (b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.
- (c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.
- (d) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of ~~[public instruction]~~ *schools of each school district* shall certify that the results of the

examinations have been transmitted to each school within the school district. ~~{Not}~~ *Except as otherwise provided in this subsection, not* more than ~~{10}~~ 15 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.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. *If a pupil with a disability is unable to take an examination created by a private entity under regular testing conditions or with modifications and accommodations that are approved by the private entity, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. If a pupil with a disability is unable to take an examination created by the department under regular testing conditions or with modifications and accommodations that are approved by the department, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. The results of an examination that is taken under conditions that are not approved by a private entity or the department, as applicable, must not be reported pursuant to subsection 2 of NRS*

389.017. 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. During the administration of the high school proficiency examination, a pupil with a disability may be given additional time to complete the examination if the additional time is a modification or accommodation that is approved 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.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is

appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating ~~[inadequate achievement]~~ **need for improvement** pursuant to NRS 385.367 the pupil must, in accordance with the requirements set forth in this subsection, complete ~~[a program of]~~ remedial study ~~[pursuant to NRS 385.389.]~~ **that is determined to be appropriate for the pupil.**

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

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

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

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

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

8. *The state board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the modifications and accommodations that may be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions or with modifications and accommodations that are approved by the private entity that created the examination or, if the department created the examination, by the department. These regulations may include, without limitation, authorizing a pupil to complete an examination with additional time.*

Sec. 23.5. NRS 389.017 is hereby amended to read as follows:

389.017 1. The state board shall prescribe regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the superintendent of public instruction and the department, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th,

10th and 11th grades to public school pupils of the district and charter schools. The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

2. The results of examinations ~~{administered to all pupils}~~ must be reported for each school, including, without limitation, each charter school, school district and this state as follows:

(a) The average score *, as defined by the department*, of pupils ~~{with disabilities for whom different standards of achievement are adopted or other}~~ *who took the examinations under regular testing conditions; and*

(b) *The average score, as defined by the department, of pupils who took the examinations with* modifications or accommodations ~~{are made if:~~

~~—(1) The modifications or accommodations are}~~ approved by the ~~{publisher of the examination; and~~

~~—(2) Such}~~ *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 . {;*

~~—(b) The average score of pupils for whom different standards of achievement were not adopted or other modifications or accommodations were not made; and~~

~~—(c) The average score of all pupils who were tested, except for pupils with disabilities who took an examination pursuant to subsection 4 of NRS 389.015 with modifications or accommodations that are not approved by the publisher of the examination.}~~

3. *The department shall adopt regulations prescribing the requirements for reporting the scores 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 scores reported pursuant to this subsection must not be included in the average scores reported pursuant to subsection 2.

4. *Not later than 10 days after the department receives the results of the achievement and proficiency examinations, the department shall*

transmit a copy of the results of the examinations administered pursuant to NRS 389.015 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.

~~[4.]~~ 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 required pursuant to NRS 389.015 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 ~~average proficiency of pupils at the same grade~~ level *that the state board determines is proficient*, as measured by an assessment of proficiency in the English language prescribed by the state board ~~[4.] 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.

~~[5.]~~ 7. In addition to the information required by subsection ~~[3.]~~ 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.

~~[6.]~~ 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 ~~4~~ 6.

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

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

(a) Review the records of the rate of attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection ~~4~~ 6 of NRS 385.347;

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

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

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

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

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

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

Sec. 25. Section 1 of Senate Bill No. 21 of this session is hereby amended to read as follows:

Section 1. NRS 389.015 is hereby amended to read as follows:

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

(a) Reading;

(b) Writing;

(c) Mathematics; and

(d) Science.

2. The examinations required by subsection 1 must be:

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

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

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

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

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 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.

If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If a pupil with a disability is unable to take an examination created by a private entity under regular testing conditions or with modifications and accommodations that are approved by the private entity, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. If a pupil with a disability is unable to take an examination created by the department under regular testing conditions or with modifications and accommodations that are approved by the

department, the pupil may take the examination with modifications and accommodations that are approved by the state board pursuant to subsection 8. The results of an examination that is taken under conditions that are not approved by a private entity or the department, as applicable, must not be reported pursuant to subsection 2 of NRS 389.017. 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. During the administration of the high school proficiency examination, a pupil with a disability may be given additional time to complete the examination if the additional time is a modification or accommodation that is approved 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.

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

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

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the

approved answers used for grading them are confidential, and disclosure is unlawful except:

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

(b) That a disclosure may be made to a ~~{state}~~ :

(1) State officer who is a member of the executive or legislative branch to the extent that it is ~~{related to}~~ necessary for the performance of ~~{that officer's duties.}~~ his duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his duties.

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

8. The state board shall prescribe, in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the modifications and accommodations that may be used in the administration of an examination to a pupil with a disability who is unable to take the examination under regular testing conditions or with modifications and accommodations that are approved by the private entity that created the examination or, if the department created the examination, by the department. These regulations may include, without limitation, authorizing a pupil to complete an examination with additional time.

Sec. 26. 1. This section and section 23 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 and 25 of this act become effective on July 1, 1999.

3. Section 23.5 of this act becomes effective at 12:01 a.m. on July 1, 1999.

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