

ASSEMBLY BILL NO. 214—COMMITTEE ON EDUCATION

(ON BEHALF OF LEGISLATIVE COMMITTEE ON EDUCATION)

FEBRUARY 22, 2001

Referred to Committee on Education

SUMMARY—Establishes certain requirements pertaining to certain examinations administered in public schools and reporting of alleged irregularities concerning such examinations. (BDR 34-836)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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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 education; requiring the department of education and the board of trustees of each school district to adopt a plan setting forth procedures concerning the security of certain examinations; providing for the enforcement of those procedures; requiring the department of education to enforce certain provisions of certain contracts relating to the timely delivery of the results of examinations; prohibiting retaliatory action against an official of a school district or charter school who discloses information regarding irregularities in testing administration or testing security; providing that a teacher or administrator who willfully neglects or fails to observe and carry out the provisions of a plan for test security is subject to disciplinary action; providing a penalty; 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 389 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 6, inclusive, of this act.
3 **Sec. 2. 1. *The department shall, by regulation or otherwise, adopt***
4 ***and enforce a plan setting forth procedures to ensure the security of***
5 ***examinations that are administered to pupils pursuant to NRS 389.015***
6 ***and 389.550.***
7 ***2. A plan adopted pursuant to subsection 1 must include, without***
8 ***limitation:***
9 ***(a) Procedures pursuant to which pupils, school officials and other***
10 ***persons may, and are encouraged to, report irregularities in testing***
11 ***administration and testing security; and***



- 1 (b) Procedures necessary to ensure the security of test materials and
2 the consistency of testing administration.
- 3 3. A copy of the plan adopted pursuant to this section and the
4 procedures set forth therein must be submitted on or before September 1
5 of each year to:
- 6 (a) The state board; and
7 (b) The legislative committee on education, created pursuant to NRS
8 218.5352.
- 9 4. As used in this section:
- 10 (a) "Irregularity in testing administration" means the failure to
11 administer an examination administered to pupils pursuant to NRS
12 389.015 or 389.550 in the manner intended by the person or entity that
13 created the examination.
- 14 (b) "Irregularity in testing security" means an act or omission that
15 tends to corrupt or impair the security of an examination administered to
16 pupils pursuant to NRS 389.015 or 389.550, including, without
17 limitation:
- 18 (1) The failure to comply with security procedures adopted
19 pursuant to this section or section 4 of this act;
20 (2) The disclosure of questions or answers to questions on an
21 examination in a manner not otherwise approved by law; and
22 (3) Other breaches in the security or confidentiality of the questions
23 or answers to questions on an examination.
- 24 (c) "School official" means:
- 25 (1) A member of a board of trustees of a school district;
26 (2) A member of a governing body of a charter school; or
27 (3) A licensed or unlicensed person employed by the board of
28 trustees of a school district or the governing body of a charter school.
- 29 Sec. 3. 1. If the department:
- 30 (a) Has reason to believe that a violation of the plan adopted pursuant
31 to section 2 of this act may have occurred;
32 (b) Has reason to believe that a violation of the plan adopted pursuant
33 to section 4 of this act may have occurred; or
34 (c) Receives a request pursuant to subparagraph (2) of paragraph (b)
35 of subsection 1 of section 5 of this act to investigate a potential violation
36 of the plan adopted pursuant to section 4 of this act,
37 the department shall investigate the matter as it deems appropriate.
- 38 2. If the department investigates a matter pursuant to subsection 1,
39 the department may issue a subpoena to compel the attendance or
40 testimony of a witness or the production of any relevant materials,
41 including, but not limited to, books, papers, documents, records,
42 photographs, recordings, reports and tangible objects.
- 43 3. If a witness refuses to attend, testify or produce materials as
44 required by the subpoena, the department may report to the district court
45 by petition, setting forth that:
- 46 (a) Due notice has been given of the time and place of attendance or
47 testimony of the witness or the production of materials;
48 (b) The witness has been subpoenaed by the department pursuant to
49 this section; and



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- 1 (c) *The witness has failed or refused to attend, testify or produce*
2 *materials before the department as required by the subpoena, or has*
3 *refused to answer questions propounded to him,*
4 *and asking for an order of the court compelling the witness to attend,*
5 *testify or produce materials before the department.*
6 4. *Upon receipt of such a petition, the court shall enter an order*
7 *directing the witness to appear before the court at a time and place to be*
8 *fixed by the court in its order, the time to be not more than 10 days after*
9 *the date of the order, and then and there show cause why he has not*
10 *attended, testified or produced materials before the department. A*
11 *certified copy of the order must be served upon the witness.*
12 5. *If it appears to the court that the subpoena was regularly issued by*
13 *the department, the court shall enter an order that the witness appear*
14 *before the department at a time and place fixed in the order and testify or*
15 *produce materials, and that upon failure to obey the order the witness*
16 *must be dealt with as for contempt of court.*
17 **Sec. 4.** 1. *The board of trustees of each school district shall, for*
18 *each public school in the district, including, without limitation, charter*
19 *schools, adopt and enforce a plan setting forth procedures to ensure the*
20 *security of examinations.*
21 2. *A plan adopted pursuant to subsection 1 must include, without*
22 *limitation:*
23 (a) *Procedures pursuant to which pupils, school officials and other*
24 *persons may, and are encouraged to, report irregularities in testing*
25 *administration and testing security;*
26 (b) *Procedures necessary to ensure the security of test materials and*
27 *the consistency of testing administration; and*
28 (c) *With respect to secondary schools, procedures pursuant to which*
29 *the school district or charter school, as appropriate, will verify the*
30 *identity of pupils taking an examination.*
31 *The procedures adopted in accordance with paragraphs (a) and (b) must*
32 *be consistent, to the extent applicable, with the procedures adopted by the*
33 *department pursuant to section 2 of this act.*
34 3. *A copy of each plan adopted pursuant to this section and the*
35 *procedures set forth therein must be submitted on or before September 1*
36 *of each year to:*
37 (a) *The state board; and*
38 (b) *The legislative committee on education, created pursuant to NRS*
39 *218.5352.*
40 4. *As used in this section:*
41 (a) *"Examination" means:*
42 (1) *Achievement and proficiency examinations that are*
43 *administered to pupils pursuant to NRS 389.015 or 389.550; and*
44 (2) *Any other examinations which measure the achievement and*
45 *proficiency of pupils and which are administered to pupils on a district-*
46 *wide basis.*
47 (b) *"Irregularity in testing administration" means the failure to*
48 *administer an examination in the manner intended by the person or*
49 *entity that created the examination.*



1 (c) “Irregularity in testing security” means an act or omission that
2 tends to corrupt or impair the security of an examination, including,
3 without limitation:

4 (1) The failure to comply with security procedures adopted
5 pursuant to section 2 or 4 of this act;

6 (2) The disclosure of questions or answers to questions on an
7 examination in a manner not otherwise approved by law; and

8 (3) Other breaches in the security or confidentiality of the questions
9 or answers to questions on an examination.

10 (d) “School official” means:

11 (1) A member of a board of trustees of a school district;

12 (2) A member of a governing body of a charter school; or

13 (3) A licensed or unlicensed person employed by the board of
14 trustees of a school district or the governing body of a charter school.

15 **Sec. 5. 1.** If the board of trustees of a school district has reason to
16 believe that a violation of its plan adopted pursuant to section 4 of this
17 act may have occurred, the board of trustees shall:

18 (a) Immediately report the incident to the department orally or in
19 writing followed by a comprehensive written report within 14 school days
20 after the incident occurred; and

21 (b) Cause to be commenced an investigation of the incident. The
22 board of trustees may carry out the requirements of this paragraph by:

23 (1) Investigating the incident as it deems appropriate, including,
24 without limitation, using the powers of subpoena set forth in this section.

25 (2) Requesting that the department investigate the incident
26 pursuant to section 3 of this act.

27 The fact that a board of trustees elects initially to carry out its own
28 investigation pursuant to subparagraph (1) of paragraph (b) does not
29 affect the ability of the board of trustees to request, at any time, that the
30 department investigate the incident as authorized pursuant to
31 subparagraph (2) of paragraph (b).

32 2. Except as otherwise provided in this subsection, if the board of
33 trustees of a school district proceeds in accordance with subparagraph
34 (1) of paragraph (b) of subsection 1, the board of trustees may issue a
35 subpoena to compel the attendance or testimony of a witness or the
36 production of any relevant materials, including, but not limited to, books,
37 papers, documents, records, photographs, recordings, reports and
38 tangible objects. A board of trustees shall not issue a subpoena to compel
39 the attendance or testimony of a witness or the production of materials
40 unless the attendance, testimony or production sought to be compelled is
41 related directly to a violation or an alleged violation of the plan adopted
42 pursuant to section 4 of this act.

43 3. If a witness refuses to attend, testify or produce materials as
44 required by the subpoena, the board of trustees may report to the district
45 court by petition, setting forth that:

46 (a) Due notice has been given of the time and place of attendance or
47 testimony of the witness or the production of materials;

48 (b) The witness has been subpoenaed by the board of trustees
49 pursuant to this section; and



1 (c) *The witness has failed or refused to attend, testify or produce*
2 *materials before the board of trustees as required by the subpoena, or has*
3 *refused to answer questions propounded to him,*
4 *and asking for an order of the court compelling the witness to attend,*
5 *testify or produce materials before the board of trustees.*

6 4. *Upon receipt of such a petition, the court shall enter an order*
7 *directing the witness to appear before the court at a time and place to be*
8 *fixed by the court in its order, the time to be not more than 10 days after*
9 *the date of the order, and then and there show cause why he has not*
10 *attended, testified or produced materials before the board of trustees. A*
11 *certified copy of the order must be served upon the witness.*

12 5. *If it appears to the court that the subpoena was regularly issued by*
13 *the board of trustees, the court shall enter an order that the witness*
14 *appear before the board of trustees at a time and place fixed in the order*
15 *and testify or produce materials, and that upon failure to obey the order*
16 *the witness must be dealt with as for contempt of court.*

17 **Sec. 6.** *If the department enters into a contract with a person or*
18 *entity to score the results of an examination that is administered to pupils*
19 *pursuant to NRS 389.015 or 389.550 and the contract sets forth penalties*
20 *or sanctions in the event that the person or entity fails to deliver the*
21 *scored results to a school district or charter school on a timely basis, the*
22 *department shall ensure that any such penalties or sanctions are fully*
23 *enforced.*

24 **Sec. 7.** NRS 389.015 is hereby amended to read as follows:

25 389.015 1. The board of trustees of each school district shall
26 administer examinations in all public schools of the school district. The
27 governing body of a charter school shall administer the same examinations
28 in the charter school. The examinations administered by the board of
29 trustees and governing body must determine the achievement and
30 proficiency of pupils in:

- 31 (a) Reading;
32 (b) Writing;
33 (c) Mathematics; and
34 (d) Science.

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

- 36 (a) Administered before the completion of grades 4, 8, 10 and 11.
37 (b) Administered in each school district and each charter school at the
38 same time. The time for the administration of the examinations must be
39 prescribed by the state board.

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

43 (d) *Administered in each school in accordance with the plan adopted*
44 *pursuant to section 2 of this act by the department and with the plan*
45 *adopted pursuant to section 4 of this act by the board of trustees of the*
46 *school district in which the examinations are administered. The*
47 *department shall monitor the compliance of school districts and*
48 *individual schools with:*

49 (1) *The plan adopted by the department; and*



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1 (2) *The plan adopted by the board of trustees of the applicable*
2 *school district, to the extent that the plan adopted by the board of trustees*
3 *of the school district is consistent with the plan adopted by the*
4 *department.*

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

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

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

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

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

31 4. Different standards of proficiency may be adopted for pupils with
32 diagnosed learning disabilities. If a pupil with a disability is unable to take
33 an examination created by a private entity under regular testing conditions
34 or with modifications and accommodations that are approved by the private
35 entity, the pupil may take the examination with modifications and
36 accommodations that are approved by the state board pursuant to
37 subsection 8. If a pupil with a disability is unable to take an examination
38 created by the department under regular testing conditions or with
39 modifications and accommodations that are approved by the department,
40 the pupil may take the examination with modifications and
41 accommodations that are approved by the state board pursuant to
42 subsection 8. The results of an examination that is taken under conditions
43 that are not approved by a private entity or the department, as applicable,
44 must not be reported pursuant to subsection 2 of NRS 389.017. If different
45 standards of proficiency are adopted or other modifications or
46 accommodations are made in the administration of the examinations for a
47 pupil who is enrolled in a program of special education pursuant to NRS
48 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the
49 different standards adopted or other modifications or accommodations



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1 must be set forth in the pupil's program of special education developed in
2 accordance with the Individuals with Disabilities Education Act, 20 U.S.C.
3 §§ 1400 et seq., and the standards prescribed by the state board. During the
4 administration of the high school proficiency examination, a pupil with a
5 disability may be given additional time to complete the examination if the
6 additional time is a modification or accommodation that is approved in the
7 pupil's program of special education developed in accordance with the
8 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

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

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

22 7. The state board shall prescribe standard examinations of
23 achievement and proficiency to be administered pursuant to subsection 1.
24 The examinations on reading, mathematics and science prescribed for
25 grades 4, 8 and 10 must be selected from examinations created by private
26 entities and administered to a national reference group, and must allow for
27 a comparison of the achievement and proficiency of pupils in grades 4, 8
28 and 10 in this state to that of a national reference group of pupils in grades
29 4, 8 and 10. The questions contained in the examinations and the approved
30 answers used for grading them are confidential, and disclosure is unlawful
31 except:

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

34 (b) That a disclosure may be made to a:

35 (1) State officer who is a member of the executive or legislative
36 branch to the extent that it is necessary for the performance of his duties;

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

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

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

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

48 8. The state board shall prescribe, in accordance with the Individuals
49 with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the



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1 modifications and accommodations that may be used in the administration
2 of an examination to a pupil with a disability who is unable to take the
3 examination under regular testing conditions or with modifications and
4 accommodations that are approved by the private entity that created the
5 examination or, if the department created the examination, by the
6 department. These regulations may include, without limitation, authorizing
7 a pupil to complete an examination with additional time.

8 **Sec. 8.** NRS 389.550 is hereby amended to read as follows:

9 389.550 1. The state board shall, in consultation with the council,
10 prescribe examinations that measure the achievement and proficiency of
11 pupils in selected grades in the standards of content established by the
12 council that are in addition to the examinations administered pursuant to
13 NRS 389.015. The state board shall, based upon the recommendations of
14 the council, select the grade levels of pupils that are required to take the
15 examinations and the standards that the examinations must measure.

16 2. The board of trustees of each school district and the governing body
17 of each charter school shall administer the examinations prescribed by the
18 state board. The examinations must be:

19 (a) Administered to pupils in each school district and each charter
20 school at the same time, as prescribed by the state board.

21 (b) Administered in each school in accordance with uniform procedures
22 adopted by the state board. The department shall monitor the school
23 districts and individual schools to ensure compliance with the uniform
24 procedures.

25 *(c) Administered in each school in accordance with the plan adopted*
26 *pursuant to section 2 of this act by the department and with the plan*
27 *adopted pursuant to section 4 of this act by the board of trustees of the*
28 *school district in which the examinations are administered. The*
29 *department shall monitor the compliance of school districts and*
30 *individual schools with:*

31 *(1) The plan adopted by the department; and*

32 *(2) The plan adopted by the board of trustees of the applicable*
33 *school district, to the extent that the plan adopted by the board of trustees*
34 *of the school district is consistent with the plan adopted by the*
35 *department.*

36 **Sec. 9.** Chapter 391 of NRS is hereby amended by adding thereto the
37 provisions set forth as sections 10 to 22, inclusive, of this act.

38 **Sec. 10.** *As used in sections 10 to 22, inclusive, of this act, unless the*
39 *context otherwise requires, the words and terms defined in sections 11 to*
40 *15, inclusive, of this act have the meanings ascribed to them in those*
41 *sections.*

42 **Sec. 11.** “Examination” means:

43 1. *Achievement and proficiency examinations that are administered*
44 *to pupils pursuant to NRS 389.015 or 389.550; and*

45 2. *Any other examinations which measure the achievement and*
46 *proficiency of pupils and which are administered to pupils on a district-*
47 *wide basis.*



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1 **Sec. 12.** *“Irregularity in testing administration” means the failure to*
2 *administer an examination in the manner intended by the person or*
3 *entity that created the examination.*

4 **Sec. 13.** *“Irregularity in testing security” means an act or omission*
5 *that tends to corrupt or impair the security of an examination, including,*
6 *without limitation:*

7 1. *The failure to comply with security procedures adopted pursuant*
8 *to section 2 or 4 of this act;*

9 2. *The disclosure of questions or answers to questions on an*
10 *examination in a manner not otherwise approved by law; and*

11 3. *Other breaches in the security or confidentiality of the questions*
12 *or answers to questions on an examination.*

13 **Sec. 14.** *“Reprisal or retaliatory action” includes, without limitation:*

14 1. *Frequent or undesirable changes in the location of an office;*

15 2. *Frequent or undesirable transfers or reassignments;*

16 3. *The issuance of letters of reprimand or evaluations of poor*
17 *performance;*

18 4. *A demotion;*

19 5. *A reduction in pay;*

20 6. *The denial of a promotion;*

21 7. *A suspension;*

22 8. *A dismissal;*

23 9. *A transfer; or*

24 10. *Frequent changes in working hours or workdays,*
25 *if such action is taken, in whole or in part, because the school official*
26 *disclosed information concerning irregularities in testing administration*
27 *or testing security.*

28 **Sec. 15.** *“School official” means:*

29 1. *A member of a board of trustees of a school district;*

30 2. *A member of a governing body of a charter school; or*

31 3. *A licensed or unlicensed person employed by the board of trustees*
32 *of a school district or the governing body of a charter school.*

33 **Sec. 16.** *It is hereby declared to be the policy of this state that a*
34 *school official is encouraged to disclose, to the extent not expressly*
35 *prohibited by law, irregularities in testing administration and testing*
36 *security, and it is the intent of the legislature to protect the rights of a*
37 *school official who makes such a disclosure.*

38 **Sec. 17.** 1. *A school official shall not directly or indirectly use or*
39 *attempt to use his official authority or influence to intimidate, threaten,*
40 *coerce, command, influence or attempt to intimidate, threaten, coerce,*
41 *command or influence another school official in an effort to interfere*
42 *with or prevent the disclosure of information concerning irregularities in*
43 *testing administration or testing security.*

44 2. *As used in this section, “official authority or influence” includes*
45 *taking, directing others to take, recommending, processing or approving*
46 *any personnel action such as an appointment, promotion, transfer,*
47 *assignment, reassignment, reinstatement, restoration, reemployment,*
48 *evaluation or other disciplinary action.*



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1 **Sec. 18.** 1. *If any reprisal or retaliatory action is taken against a*
2 *school official who discloses information concerning irregularities in*
3 *testing administration or testing security within 2 years after the*
4 *information is disclosed, the school official may file a written appeal with*
5 *the state board for a hearing on the matter and determination of whether*
6 *the action taken was a reprisal or retaliatory action. The written appeal*
7 *must be accompanied by a statement that sets forth with particularity:*

8 *(a) The facts and circumstances pursuant to which the disclosure of*
9 *information concerning irregularities in testing administration or testing*
10 *security was made; and*

11 *(b) The reprisal or retaliatory action that is alleged to have been taken*
12 *against the school official.*

13 *The hearing must be conducted in accordance with the rules of*
14 *procedure adopted by the state board pursuant to subsection 4.*

15 2. *If the state board determines that the action taken was a reprisal*
16 *or retaliatory action, it may issue an order directing the proper person to*
17 *desist and refrain from engaging in such action.*

18 3. *The state board may not rule against the school official based on*
19 *the identity of the person or persons to whom the information concerning*
20 *irregularities in testing administration or testing security was disclosed.*

21 4. *The state board shall adopt rules of procedure for conducting a*
22 *hearing pursuant to this section.*

23 **Sec. 19.** 1. *During any stage of an investigation or hearing*
24 *concerning allegations of reprisal or retaliatory action, the state board*
25 *may issue a subpoena to compel the attendance or testimony of a witness*
26 *or the production of any relevant materials, including, but not limited to,*
27 *books, papers, documents, records, photographs, recordings, reports and*
28 *tangible objects.*

29 2. *If a witness refuses to attend, testify or produce materials as*
30 *required by the subpoena, the state board may report to the district court*
31 *by petition, setting forth that:*

32 *(a) Due notice has been given of the time and place of attendance or*
33 *testimony of the witness or the production of materials;*

34 *(b) The witness has been subpoenaed by the state board pursuant to*
35 *this section; and*

36 *(c) The witness has failed or refused to attend, testify or produce*
37 *materials as required by the subpoena before the state board, or has*
38 *refused to answer questions propounded to him,*
39 *and asking for an order of the court compelling the witness to attend,*
40 *testify or produce materials before the state board.*

41 3. *Upon receipt of such a petition, the court shall enter an order*
42 *directing the witness to appear before the court at a time and place to be*
43 *fixed by the court in its order, the time to be not more than 10 days after*
44 *the date of the order, and then and there show cause why he has not*
45 *attended, testified or produced materials before the state board. A*
46 *certified copy of the order must be served upon the witness.*

47 4. *If it appears to the court that the subpoena was regularly issued by*
48 *the state board, the court shall enter an order that the witness appear*
49 *before the state board at a time and place fixed in the order and testify or*



1 *produce materials, and that upon failure to obey the order the witness*
2 *must be dealt with as for contempt of court.*

3 **Sec. 20.** 1. *No school official may use the provisions of sections 10*
4 *to 22, inclusive, of this act to harass another school official.*

5 2. *A person who willfully discloses untruthful information*
6 *concerning irregularities in testing administration or testing security:*

- 7 (a) *Is guilty of a misdemeanor; and*
8 (b) *Is subject to appropriate disciplinary action.*

9 **Sec. 21.** *Each year, the department shall provide to the board of*
10 *trustees of each school district and to the governing body of each charter*
11 *school a written summary of sections 10 to 22, inclusive, of this act.*
12 *Upon receipt of the written summary, the board of trustees or governing*
13 *body, as appropriate, shall provide a copy of the written summary to all*
14 *other school officials within the school district or charter school.*

15 **Sec. 22.** *Except as otherwise provided in section 20 of this act, the*
16 *provisions of sections 10 to 22, inclusive, of this act are intended to be*
17 *directory and preventive rather than punitive. The provisions of sections*
18 *10 to 22, inclusive, of this act do not abrogate or decrease the effect of*
19 *any of the provisions of NRS that define crimes or prescribe punishments*
20 *with respect to the conduct of school officials.*

21 **Sec. 23.** NRS 391.312 is hereby amended to read as follows:

22 391.312 1. A teacher may be suspended, dismissed or not
23 reemployed and an administrator may be demoted, suspended, dismissed or
24 not reemployed for the following reasons:

- 25 (a) Inefficiency;
26 (b) Immorality;
27 (c) Unprofessional conduct;
28 (d) Insubordination;
29 (e) Neglect of duty;
30 (f) Physical or mental incapacity;
31 (g) A justifiable decrease in the number of positions due to decreased
32 enrollment or district reorganization;
33 (h) Conviction of a felony or of a crime involving moral turpitude;
34 (i) Inadequate performance;
35 (j) Evident unfitness for service;
36 (k) Failure to comply with such reasonable requirements as a board may
37 prescribe;
38 (l) Failure to show normal improvement and evidence of professional
39 training and growth;
40 (m) Advocating overthrow of the Government of the United States or of
41 the State of Nevada by force, violence or other unlawful means, or the
42 advocating or teaching of communism with the intent to indoctrinate pupils
43 to subscribe to communistic philosophy;
44 (n) Any cause which constitutes grounds for the revocation of a
45 teacher's license;
46 (o) Willful neglect or failure to observe and carry out the requirements
47 of this Title;
48 (p) Dishonesty;



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(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015; ~~to~~

(r) *Willful neglect or failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to section 2 or 4 of this act; or*

(s) An intentional violation of NRS 388.5265 or 388.527.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

Sec. 24. NRS 391.330 is hereby amended to read as follows:

391.330 The state board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

4. Conviction of a felony or crime involving moral turpitude.

5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the state board, the commission or the superintendent of public instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.

9. *Willful neglect or failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to section 2 or 4 of this act.*

10. An intentional violation of NRS 388.5265 or 388.527.

Sec. 25. 1. The department shall adopt a plan in accordance with the provisions of section 2 of this act on or before August 15, 2001.

2. The board of trustees of each school district in this state shall adopt a plan in accordance with the provisions of section 4 of this act on or before September 15, 2001.

3. Upon the adoption of each initial plan, the plan must be submitted as soon as practicable to the state board of education and the legislative committee on education.

Sec. 26. 1. The provisions of section 20 of this act do not apply to offenses committed before July 1, 2001.



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1 2. The amendatory provisions of sections 23 and 24 of this act do not
2 apply to acts committed before July 1, 2001.

3 **Sec. 27.** 1. This section and section 25 of this act become effective
4 upon passage and approval.

5 2. Sections 2 and 4 of this act become effective upon passage and
6 approval for the purpose of adopting a plan and on July 1, 2001, for all
7 other purposes.

8 3. Sections 1, 3, 5 to 24, inclusive, and 26 of this act become effective
9 on July 1, 2001.

