

ASSEMBLY BILL NO. 318—COMMITTEE ON EDUCATION

(ON BEHALF OF ASSEMBLYMAN WILLIAMS)

MARCH 9, 2001

Referred to Committee on Education

SUMMARY—Provides exemption for pupils from high school proficiency examination.
(BDR 34-1301)

FISCAL NOTE: Effect on Local Government: No.
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 boards of trustees of school districts and the governing bodies of charter schools to exempt pupils from taking the high school proficiency examination upon the request of a parent or guardian; requiring the state board of education to prescribe alternative criteria for the evaluation of pupils who are exempt from the examination for receipt of a high school diploma; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 385.347 is hereby amended to read as follows:
2 385.347 1. The board of trustees of each school district in this state,
3 in cooperation with associations recognized by the state board as
4 representing licensed personnel in education in the district, shall adopt a
5 program providing for the accountability of the school district to the
6 residents of the district and to the state board for the quality of the schools
7 and the educational achievement of the pupils in the district, including,
8 without limitation, pupils enrolled in charter schools in the school district.
9 2. The board of trustees of each school district shall, on or before
10 March 31 of each year, report to the residents of the district concerning:
11 (a) The educational goals and objectives of the school district.
12 (b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the
13 district and the district as a whole, including, without limitation, each
14 charter school in the district.
15 Unless otherwise directed by the department, the board of trustees of the
16 district shall base its report on the results of the examinations administered
17 pursuant to NRS 389.015 and shall compare the results of those
18 examinations for the current school year with those of previous school



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- 1 years. The report must include, for each school in the district, including,
2 without limitation, each charter school in the district, and each grade in
3 which the examinations were administered:
- 4 (1) The number of pupils who took the examinations;
 - 5 (2) An explanation of instances in which a school was exempt from
6 administering or a pupil was exempt from taking an examination; and
 - 7 (3) A record of attendance for the period in which the examinations
8 were administered, including an explanation of any difference in the
9 number of pupils who took the examinations and the number of pupils who
10 are enrolled in the school.
- 11 In addition, the board shall also report the results of other examinations of
12 pupil achievement administered to pupils in the school district in grades
13 other than 4, 8, 10 and 11. The results of these examinations for the current
14 school year must be compared with those of previous school years.
- 15 (c) The ratio of pupils to teachers in kindergarten and at each grade
16 level for each elementary school in the district and the district as a whole,
17 including, without limitation, each charter school in the district, the
18 average class size for each required course of study for each secondary
19 school in the district and the district as a whole, including, without
20 limitation, each charter school in the district, and other data concerning
21 licensed and unlicensed employees of the school district.
- 22 (d) The percentage of classes taught by teachers who have been
23 assigned to teach English, mathematics, science or social studies but do not
24 possess a license with an endorsement to teach in that subject area, for each
25 school in the district and the district as a whole, including, without
26 limitation, each charter school in the district.
- 27 (e) The total expenditure per pupil for each school in the district and the
28 district as a whole, including, without limitation, each charter school in the
29 district.
- 30 (f) The curriculum used by the school district, including:
- 31 (1) Any special programs for pupils at an individual school; and
 - 32 (2) The curriculum used by each charter school in the district.
- 33 (g) Records of the attendance and truancy of pupils in all grades,
34 including, without limitation, the average daily attendance of pupils, for
35 each school in the district and the district as a whole, including, without
36 limitation, each charter school in the district.
- 37 (h) The annual rate of pupils who drop out of school in grades 9 to 12,
38 inclusive, for each such grade, for each school in the district and for the
39 district as a whole, excluding pupils who:
- 40 (1) Provide proof to the school district of successful completion of
41 the examinations of general educational development.
 - 42 (2) Are enrolled in courses that are approved by the department as
43 meeting the requirements for an adult standard diploma.
 - 44 (3) Withdraw from school to attend another school.
- 45 (i) Records of attendance of teachers who provide instruction, for each
46 school in the district and the district as a whole, including, without
47 limitation, each charter school in the district.



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- 1 (j) Efforts made by the school district and by each school in the district,
2 including, without limitation, each charter school in the district, to
3 increase:
- 4 (1) Communication with the parents of pupils in the district; and
5 (2) The participation of parents in the educational process and
6 activities relating to the school district and each school, including, without
7 limitation, the existence of parent organizations and school advisory
8 committees.
- 9 (k) Records of incidents involving weapons or violence for each school
10 in the district, including, without limitation, each charter school in the
11 district.
- 12 (l) Records of incidents involving the use or possession of alcoholic
13 beverages or controlled substances for each school in the district,
14 including, without limitation, each charter school in the district.
- 15 (m) Records of the suspension and expulsion of pupils required or
16 authorized pursuant to NRS 392.466 and 392.467.
- 17 (n) The number of pupils who are deemed habitual disciplinary
18 problems pursuant to NRS 392.4655, for each school in the district and the
19 district as a whole, including, without limitation, each charter school in the
20 district.
- 21 (o) The number of pupils in each grade who are retained in the same
22 grade pursuant to NRS 392.125, for each school in the district and the
23 district as a whole, including, without limitation, each charter school in the
24 district.
- 25 (p) The transiency rate of pupils for each school in the district and the
26 district as a whole, including, without limitation, each charter school in the
27 district. For the purposes of this paragraph, a pupil is not transient if he is
28 transferred to a different school within the school district as a result of a
29 change in the zone of attendance by the board of trustees of the school
30 district pursuant to NRS 388.040.
- 31 (q) Each source of funding for the school district.
- 32 (r) The amount and sources of money received for remedial education
33 for each school in the district and the district as a whole, including, without
34 limitation, each charter school in the district.
- 35 (s) For each high school in the district, including, without limitation,
36 each charter school in the district, the percentage of pupils who graduated
37 from that high school or charter school in the immediately preceding year
38 and enrolled in remedial courses in reading, writing or mathematics at a
39 university or community college within the University and Community
40 College System of Nevada.
- 41 (t) The technological facilities and equipment available at each school,
42 including, without limitation, each charter school, and the district's plan to
43 incorporate educational technology at each school.
- 44 (u) For each school in the district and the district as a whole, including,
45 without limitation, each charter school in the district, the number and
46 percentage of pupils who graduate with:
- 47 (1) A standard high school diploma.
48 (2) An adjusted diploma.
49 (3) A certificate of attendance.



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- 1 (v) For each school in the district and the district as a whole, including,
2 without limitation, each charter school in the district, the number and
3 percentage of pupils who did not receive a high school diploma because the
4 pupils failed to pass the high school proficiency examination ~~or~~ *or failed to*
5 *satisfy the alternative criteria for receipt of a high school diploma*
6 *prescribed by the state board pursuant to subsection 10 of NRS 389.015.*
- 7 (w) The number of habitual truants who are reported to a school police
8 officer or law enforcement agency pursuant to paragraph (a) of subsection
9 2 of NRS 392.144 and the number of habitual truants who are referred to
10 an advisory board to review school attendance pursuant to paragraph (b) of
11 subsection 2 of NRS 392.144, for each school in the district and for the
12 district as a whole.
- 13 (x) Such other information as is directed by the superintendent of public
14 instruction.
- 15 3. The records of attendance maintained by a school for purposes of
16 paragraph (i) of subsection 2 must include the number of teachers who are
17 in attendance at school and the number of teachers who are absent from
18 school. A teacher shall be deemed in attendance if the teacher is excused
19 from being present in the classroom by the school in which he is employed
20 for one of the following reasons:
- 21 (a) Acquisition of knowledge or skills relating to the professional
22 development of the teacher; or
- 23 (b) Assignment of the teacher to perform duties for cocurricular or
24 extracurricular activities of pupils.
- 25 4. The superintendent of public instruction shall:
- 26 (a) Prescribe forms for the reports required pursuant to subsection 2 and
27 provide the forms to the respective school districts.
- 28 (b) Provide statistical information and technical assistance to the school
29 districts to ensure that the reports provide comparable information with
30 respect to each school in each district and among the districts.
- 31 (c) Consult with a representative of the:
- 32 (1) Nevada State Education Association;
- 33 (2) Nevada Association of School Boards;
- 34 (3) Nevada Association of School Administrators;
- 35 (4) Nevada Parent Teachers Association;
- 36 (5) Budget division of the department of administration; and
- 37 (6) Legislative counsel bureau,
- 38 concerning the program and consider any advice or recommendations
39 submitted by the representatives with respect to the program.
- 40 5. The superintendent of public instruction may consult with
41 representatives of parent groups other than the Nevada Parent Teachers
42 Association concerning the program and consider any advice or
43 recommendations submitted by the representatives with respect to the
44 program.
- 45 6. On or before April 15 of each year, the board of trustees of each
46 school district shall submit to each *advisory* board to review school
47 attendance created in the county pursuant to NRS 392.126 the information
48 required in paragraph (g) of subsection 2.



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Sec. 2. NRS 385.389 is hereby amended to read as follows:

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 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 the pupils enrolled in the school who 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 ~~1~~ 6 of NRS 389.015, remedial study that is determined to be appropriate for the pupil.

Sec. 3. NRS 389.015 is hereby amended to read as follows:

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. *At least 21 school days before the commencement of the administration of the high school proficiency examination, the board of trustees of each school district and the governing body of each charter school that provides instruction to pupils enrolled in a grade level that is required to take the examination, shall provide written notice to the parent or legal guardian of each pupil enrolled in a public high school of the school district or the charter school, as applicable, who is required to take the high school proficiency examination of the date scheduled for the administration of the examination and the provisions of this*



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1 subsection. A parent or legal guardian of a pupil who would otherwise be
2 required to take the high school proficiency examination may submit a
3 written request to the board of trustees of the school district in which the
4 pupil is enrolled or the governing body of the charter school in which the
5 pupil is enrolled requesting that the board of trustees or the governing
6 body exempt the pupil from taking the high school proficiency
7 examination. The written request must be submitted at least 5 school
8 days before the commencement of the administration of the examination
9 and include a signed statement indicating that the parent or legal
10 guardian understands and accepts full responsibility for the
11 consequences that may result if his child does not take the examination,
12 including, without limitation, ineligibility for scholarships that may
13 require passing scores on the high school proficiency examination. Upon
14 receipt of a timely and properly signed request, the board of trustees or
15 the governing body shall exempt the pupil from taking the high school
16 proficiency examination. Such an exemption must be granted for all
17 subject areas tested on the high school proficiency examination and may
18 not be granted for a particular subject area tested on the examination. If
19 a parent or legal guardian subsequently requests that his child take the
20 high school proficiency examination when the examination is regularly
21 administered during the school year, the board of trustees or governing
22 body shall grant such a request. A pupil who is exempt pursuant to this
23 subsection:

24 (a) Must not receive a high school diploma unless he satisfies the
25 alternative criteria for evaluation prescribed by the state board pursuant
26 to subsection 10, except that he may receive a certificate of attendance in
27 place of a diploma if he has reached the age of 17 years;

28 (b) Is not exempt from satisfying other requirements for receipt of a
29 high school diploma, including, without limitation, the minimum days of
30 attendance prescribed by the board of trustees pursuant to NRS 392.122;

31 (c) Is not exempt from other examinations that are administered in
32 the public schools, including, without limitation, the examinations of
33 achievement and proficiency administered pursuant to NRS 389.550; and

34 (d) Must not be included in the count of pupils who are required to
35 take the achievement and proficiency examinations for purposes of the
36 accountability of public schools set forth in NRS 385.3455 to 385.391,
37 inclusive. However, he must be included in the count of pupils for all
38 other purposes of accountability, including, without limitation, the
39 average daily attendance of pupils.

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



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1 school receives the results of the examinations, the principal of each school
2 and the governing body of each charter school shall certify that the results
3 for each pupil have been provided to the parent or legal guardian of the
4 pupil:

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

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

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

13 ~~14.1~~ 5. Different standards of proficiency may be adopted for pupils
14 with diagnosed learning disabilities. If a pupil with a disability is unable to
15 take an examination created by a private entity under regular testing
16 conditions or with modifications and accommodations that are approved by
17 the private entity, the pupil may take the examination with modifications
18 and accommodations that are approved by the state board pursuant to
19 subsection ~~18.1~~ 9. If a pupil with a disability is unable to take an
20 examination created by the department under regular testing conditions or
21 with modifications and accommodations that are approved by the
22 department, the pupil may take the examination with modifications and
23 accommodations that are approved by the state board pursuant to
24 subsection ~~18.1~~ 9. The results of an examination that is taken under
25 conditions that are not approved by a private entity or the department, as
26 applicable, must not be reported pursuant to subsection 2 of NRS 389.017.
27 If different standards of proficiency are adopted or other modifications or
28 accommodations are made in the administration of the examinations for a
29 pupil who is enrolled in a program of special education pursuant to NRS
30 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the
31 different standards adopted or other modifications or accommodations
32 must be set forth in the pupil's program of special education developed in
33 accordance with the Individuals with Disabilities Education Act, 20 U.S.C.
34 §§ 1400 et seq., and the standards prescribed by the state board. During the
35 administration of the high school proficiency examination, a pupil with a
36 disability may be given additional time to complete the examination if the
37 additional time is a modification or accommodation that is approved in the
38 pupil's program of special education developed in accordance with the
39 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

40 ~~15.1~~ 6. If a pupil fails to demonstrate at least adequate achievement on
41 the examination administered before the completion of grade 4, 8 or 10, he
42 may be promoted to the next higher grade, but the results of his
43 examination must be evaluated to determine what remedial study is
44 appropriate. If such a pupil is enrolled at a school that has been designated
45 as demonstrating need for improvement pursuant to NRS 385.367 the pupil
46 must, in accordance with the requirements set forth in this subsection,
47 complete remedial study that is determined to be appropriate for the pupil.

48 ~~16.1~~



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- 1 **7. Except as otherwise provided in subsection 3, if** a pupil fails to pass
2 the proficiency examination administered before the completion of grade
3 11, he must not be graduated until he is able, through remedial study, to
4 pass the proficiency examination, but he may be given a certificate of
5 attendance, in place of a diploma, if he has reached the age of 17 years.
- 6 ~~7-1~~ **8.** The state board shall prescribe standard examinations of
7 achievement and proficiency to be administered pursuant to subsection 1.
8 The examinations on reading, mathematics and science prescribed for
9 grades 4, 8 and 10 must be selected from examinations created by private
10 entities and administered to a national reference group, and must allow for
11 a comparison of the achievement and proficiency of pupils in grades 4, 8
12 and 10 in this state to that of a national reference group of pupils in grades
13 4, 8 and 10. The questions contained in the examinations and the approved
14 answers used for grading them are confidential, and disclosure is unlawful
15 except:
- 16 (a) To the extent necessary for administering and evaluating the
17 examinations.
- 18 (b) That a disclosure may be made to a:
- 19 (1) State officer who is a member of the executive or legislative
20 branch to the extent that it is necessary for the performance of his duties;
- 21 (2) Superintendent of schools of a school district to the extent that it
22 is necessary for the performance of his duties;
- 23 (3) Director of curriculum of a school district to the extent that it is
24 necessary for the performance of his duties; and
- 25 (4) Director of testing of a school district to the extent that it is
26 necessary for the performance of his duties.
- 27 (c) That specific questions and answers may be disclosed if the
28 superintendent of public instruction determines that the content of the
29 questions and answers is not being used in a current examination and
30 making the content available to the public poses no threat to the security of
31 the current examination process.
- 32 ~~8-1~~ **9.** The state board shall prescribe, in accordance with the
33 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the
34 modifications and accommodations that may be used in the administration
35 of an examination to a pupil with a disability who is unable to take the
36 examination under regular testing conditions or with modifications and
37 accommodations that are approved by the private entity that created the
38 examination or, if the department created the examination, by the
39 department. These regulations may include, without limitation, authorizing
40 a pupil to complete an examination with additional time.
- 41 **10. The state board shall prescribe alternative criteria for the**
42 **evaluation of pupils who are exempt from taking the high school**
43 **proficiency examination pursuant to subsection 3. The criteria must set**
44 **forth standards that a pupil must satisfy to receive a high school diploma**
45 **that are commensurate with an evaluation of the academic skills of a**
46 **pupil based upon his results on the high school proficiency examination.**
47 **The criteria may include, without limitation, an evaluation of a portfolio**
48 **of a pupil's work during the school year. The criteria must not require a**



pupil to take another examination in place of the examination from which he is exempt.

Sec. 4. 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 *4, 8, 10 and 11* 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 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 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 approved by the private entity that created the examination or, if the department created the examination, the department, if such reporting does not violate the confidentiality of the test scores of any individual pupil.

3. The department shall adopt regulations prescribing the requirements for reporting the 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



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1 each examination administered in the public schools in the school district
2 or charter school:

- 3 (a) The examination administered;
4 (b) The grade level or levels of pupils to whom the examination was
5 administered;
6 (c) The costs incurred by the school district or charter school in
7 administering each examination; and
8 (d) The purpose, if any, for which the results of the examination are
9 used by the school district or charter school.

10 On or before December 1 of each year, the department shall transmit to the
11 budget division of the department of administration and the fiscal analysis
12 division of the legislative counsel bureau the information submitted to the
13 department pursuant to this subsection.

14 6. The superintendent of schools of each school district and the
15 governing body of each charter school shall certify that the number of
16 pupils who took the examinations required pursuant to NRS 389.015 is
17 equal to the number of pupils who are enrolled in each school in the school
18 district or in the charter school who are required to take the examinations
19 except for those pupils who are exempt from taking the examinations. A
20 pupil ~~may be~~ *is* exempt from taking the examinations if:

21 (a) His primary language is not English and his proficiency in the
22 English language is below the level that the state board determines is
23 proficient, as measured by an assessment of proficiency in the English
24 language prescribed by the state board pursuant to subsection 8; ~~to~~

25 (b) He is enrolled in a program of special education pursuant to NRS
26 388.440 to 388.520, inclusive, and his program of special education
27 specifies that he is exempt from taking the examinations ~~to~~ *; or*

28 *(c) His parent or legal guardian has submitted a written request for an*
29 *exemption pursuant to subsection 3 of NRS 389.015.*

30 7. In addition to the information required by subsection 5, the
31 superintendent of public instruction shall:

32 (a) Report the number of pupils who were not exempt from taking the
33 examinations but were absent from school on the day that the examinations
34 were administered; and

35 (b) Reconcile the number of pupils who were required to take the
36 examinations with the number of pupils who were exempt from taking the
37 examinations or absent from school on the day that the examinations were
38 administered.

39 8. The state board shall prescribe an assessment of proficiency in the
40 English language for pupils whose primary language is not English to
41 determine which pupils are exempt from the examinations pursuant to
42 paragraph (a) of subsection 6.

43 **Sec. 5.** The state board of education shall prescribe alternative criteria
44 for the evaluation of pupils who are exempt from taking the high school
45 proficiency examination in accordance with subsection 10 of section 3 of
46 this act on or before February 1, 2002, for applicability commencing with
47 the 2002-2003 school year.

48 **Sec. 6.** 1. This section and section 5 of this act become effective on
49 July 1, 2001.



- 1 2. Section 3 of this act becomes effective on July 1, 2001, for the
- 2 purpose of adopting regulations and on July 1, 2002, for all other purposes.
- 3 3. Sections 1, 2 and 4 of this act become effective on July 1, 2002.

