

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A.B. 319

ASSEMBLY BILL NO. 319—ASSEMBLYMEN GIUNCHIGLIANI, ANDERSON, BACHE, GIBBONS, MANENDO, ARBERRY, BERMAN, BUCKLEY, CEGAVSKE, CLABORN, COLLINS, DE BRAGA, DINI, FREEMAN, GOLDWATER, KOIVISTO, LESLIE, MCCLAIN, MORTENSON, NEIGHBORS, OCEGUERA, OHRENSCHALL, PARKS, PARNELL, PERKINS, SMITH AND WILLIAMS

MARCH 9, 2001

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Makes various changes to provisions governing education. (BDR 34-784)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Contains Appropriation not included in Executive Budget.

CONTAINS UNFUNDED MANDATE § 1
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 a public school that receives a designation as demonstrating need for improvement to administer a reading comprehension examination to certain pupils enrolled at the school; revising provisions governing the reports of accountability prepared by boards of trustees of school districts; designating the types of diplomas that may be issued to pupils; authorizing a parent or legal guardian of a pupil to request an exemption for the pupil from the high school proficiency examination; revising provisions governing the administration of the achievement and proficiency examinations; authorizing drivers of school buses to remove the privilege of disruptive pupils to ride a school bus; requiring boards of trustees of school districts to establish certain committees to review the removal of the privilege of a pupil to ride a school bus; revising provisions governing the temporary alternative placement of pupils; making appropriations; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 385 of NRS is hereby amended by adding thereto a
- 2 new section to read as follows:
- 3 *1. If the department designates a school as demonstrating need for*
- 4 *improvement pursuant to NRS 385.367, the school shall:*



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- 1 (a) For each year that it receives such a designation, administer to all
2 pupils who are enrolled at the school in a grade level at or above the 4th
3 grade a reading comprehension examination to determine the reading
4 level of those pupils;
5 (b) Administer the examination in the spring semester during which
6 the designation was made; and
7 (c) Select the examination that is administered from the list of
8 approved examinations prepared by the department pursuant to
9 subsection 2.
- 10 2. On or before October 1 of each year, the department shall prepare
11 and publish a list of examinations of reading comprehension. The
12 examinations selected by the department must be examinations that have
13 proven to be successful in evaluating reading comprehension and
14 determining reading level. The list must contain the name of each
15 examination that is approved for each grade level, the vendor, if any, of
16 the examination and the entity from which the examination may be
17 obtained. On or before October 15 of each year, the department shall
18 transmit a copy of the list to the board of trustees of each school district
19 for transmission to each school within the school district, including,
20 without limitation, charter schools, that has received a designation as
21 demonstrating need for improvement.
- 22 3. If 50 percent or more of the pupils enrolled in a school receive
23 scores on the reading comprehension examination that place them below
24 the 4th grade level in reading, the school shall, if it receives money from
25 this state made available by legislative appropriation for the purposes of
26 NRS 385.389:
- 27 (a) Expend not less than 25 percent of that money to provide training
28 and education to all educational personnel employed at the school on
29 effective methods to teach reading to pupils; and
30 (b) Identify which pupils are reading below the 4th grade level and
31 ensure that those pupils receive appropriate remediation.
- 32 4. The provisions of this section apply to each school that receives a
33 designation as demonstrating need for improvement regardless if it is an
34 elementary school, junior high school, middle school or high school.
- 35 Sec. 2. NRS 385.3455 is hereby amended to read as follows:
36 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and section*
37 *1 of this act*, unless the context otherwise requires, the words and terms
38 defined in NRS 385.346 and 385.3465 have the meanings ascribed to them
39 in those sections.
- 40 Sec. 3. NRS 385.347 is hereby amended to read as follows:
41 385.347 1. The board of trustees of each school district in this state,
42 in cooperation with associations recognized by the state board as
43 representing licensed personnel in education in the district, shall adopt a
44 program providing for the accountability of the school district to the
45 residents of the district and to the state board for the quality of the schools
46 and the educational achievement of the pupils in the district, including,
47 without limitation, pupils enrolled in charter schools in the school district.
- 48 2. The board of trustees of each school district shall, on or before
49 March 31 of each year, report to the residents of the district concerning:



- 1 (a) The educational goals and objectives of the school district.
- 2 (b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the
- 3 district and the district as a whole, including, without limitation, each
- 4 charter school in the district.
- 5 Unless otherwise directed by the department, the board of trustees of the
- 6 district shall base its report on the results of the examinations administered
- 7 pursuant to NRS 389.015 and shall compare the results of those
- 8 examinations for the current school year with those of previous school
- 9 years. The report must include, for each school in the district, including,
- 10 without limitation, each charter school in the district, and each grade in
- 11 which the examinations were administered:
 - 12 (1) The number of pupils who took the examinations;
 - 13 (2) An explanation of instances in which a school was exempt from
 - 14 administering or a pupil was exempt from taking an examination; and
 - 15 (3) A record of attendance for the period in which the examinations
 - 16 were administered, including an explanation of any difference in the
 - 17 number of pupils who took the examinations and the number of pupils who
 - 18 are enrolled in the school.
- 19 In addition, the board shall also report the results of other examinations of
- 20 pupil achievement administered to pupils in the school district in grades
- 21 other than 4, 8, 10 and 11. The results of these examinations for the current
- 22 school year must be compared with those of previous school years.
- 23 (c) The ratio of pupils to teachers in kindergarten and at each grade
- 24 level for each elementary school in the district and the district as a whole,
- 25 including, without limitation, each charter school in the district, the
- 26 average class size for each required course of study for each secondary
- 27 school in the district and the district as a whole, including, without
- 28 limitation, each charter school in the district, and other data concerning
- 29 licensed and unlicensed employees of the school district.
- 30 (d) The percentage of classes taught by teachers who have been
- 31 assigned to teach English, mathematics, science or social studies but do not
- 32 possess a license with an endorsement to teach in that subject area, for each
- 33 school in the district and the district as a whole, including, without
- 34 limitation, each charter school in the district.
- 35 (e) The total expenditure per pupil for each school in the district and the
- 36 district as a whole, including, without limitation, each charter school in the
- 37 district.
- 38 (f) The curriculum used by the school district, including:
 - 39 (1) Any special programs for pupils at an individual school; and
 - 40 (2) The curriculum used by each charter school in the district.
- 41 (g) Records of the attendance and truancy of pupils in all grades,
- 42 including, without limitation, the average daily attendance of pupils, for
- 43 each school in the district and the district as a whole, including, without
- 44 limitation, each charter school in the district.
- 45 (h) The annual rate of pupils who drop out of school in grades 9 to 12,
- 46 inclusive, for each such grade, for each school in the district and for the
- 47 district as a whole, excluding pupils who:
 - 48 (1) Provide proof to the school district of successful completion of
 - 49 the examinations of general educational development.



- 1 (2) Are enrolled in courses that are approved by the department as
2 meeting the requirements for an adult standard diploma.
- 3 (3) Withdraw from school to attend another school.
- 4 (i) Records of attendance of teachers who provide instruction, for each
5 school in the district and the district as a whole, including, without
6 limitation, each charter school in the district.
- 7 (j) Efforts made by the school district and by each school in the district,
8 including, without limitation, each charter school in the district, to
9 increase:
- 10 (1) Communication with the parents of pupils in the district; and
11 (2) The participation of parents in the educational process and
12 activities relating to the school district and each school, including, without
13 limitation, the existence of parent organizations and school advisory
14 committees.
- 15 (k) ~~Records of incidents involving weapons or violence for~~ *For* each
16 school in the district, including, without limitation, each charter school in
17 the district ~~†~~ :
- 18 (1) *Incidents involving weapons.*
19 (2) *Incidents of assault.*
20 (3) *Incidents of battery.*
21 (4) *Incidents of sexual harassment.*
22 (5) *Incidents of discrimination.*
23 (6) *Incidents of physical threats to pupils, teachers and other school*
24 *personnel.*
25 (7) *Other incidents prescribed by the department pursuant to*
26 *subsection 7.*
27 *The report must include for each incident the action, if any, that was*
28 *taken by the school or school district in response to the incident,*
29 *including, without limitation, disciplinary action against school*
30 *personnel or pupils. The information required by this paragraph must be*
31 *reported in a manner that does not violate the confidentiality of any*
32 *individual pupil or employee.*
- 33 (l) Records of incidents involving the use or possession of alcoholic
34 beverages or controlled substances for each school in the district,
35 including, without limitation, each charter school in the district.
- 36 (m) Records of the suspension and expulsion of pupils required or
37 authorized pursuant to NRS 392.466 and 392.467.
- 38 (n) The number of pupils who are deemed habitual disciplinary
39 problems pursuant to NRS 392.4655, for each school in the district and the
40 district as a whole, including, without limitation, each charter school in the
41 district.
- 42 (o) The number of pupils in each grade who are retained in the same
43 grade pursuant to NRS 392.125, for each school in the district and the
44 district as a whole, including, without limitation, each charter school in the
45 district.
- 46 (p) The transiency rate of pupils for each school in the district and the
47 district as a whole, including, without limitation, each charter school in the
48 district. For the purposes of this paragraph, a pupil is not transient if he is
49 transferred to a different school within the school district as a result of a



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- 1 change in the zone of attendance by the board of trustees of the school
2 district pursuant to NRS 388.040.
- 3 (q) Each source of funding for the school district.
- 4 (r) The amount and sources of money received for remedial education
5 for each school in the district and the district as a whole, including, without
6 limitation, each charter school in the district.
- 7 (s) For each high school in the district, including, without limitation,
8 each charter school in the district, the percentage of pupils who graduated
9 from that high school or charter school in the immediately preceding year
10 and enrolled in remedial courses in reading, writing or mathematics at a
11 university or community college within the University and Community
12 College System of Nevada.
- 13 (t) The technological facilities and equipment available at each school,
14 including, without limitation, each charter school, and the district's plan to
15 incorporate educational technology at each school.
- 16 (u) For each school in the district and the district as a whole, including,
17 without limitation, each charter school in the district, the number and
18 percentage of pupils who graduate with:
- 19 (1) A ~~standard high school~~ *mastery* diploma.
20 (2) *A standard diploma.*
21 (3) An adjusted diploma.
22 ~~(3)~~ (4) A certificate of attendance.
- 23 (v) For each school in the district and the district as a whole, including,
24 without limitation, each charter school in the district, the number and
25 percentage of pupils who did not receive a high school diploma because the
26 pupils failed to ~~pass~~ :
- 27 (1) *Pass* the high school proficiency examination ~~+~~;
28 (2) *Pass an alternative assessment prescribed by the department*
29 *pursuant to section 7 of this act; or*
30 (3) *Satisfy the alternative criteria for receipt of a standard diploma*
31 *without an examination prescribed by the state board pursuant to section*
32 *7 of this act.*
- 33 (w) The number of habitual truants who are reported to a school police
34 officer or law enforcement agency pursuant to paragraph (a) of subsection
35 2 of NRS 392.144 and the number of habitual truants who are referred to
36 an advisory board to review school attendance pursuant to paragraph (b) of
37 subsection 2 of NRS 392.144, for each school in the district and for the
38 district as a whole.
- 39 (x) Such other information as is directed by the superintendent of public
40 instruction.
- 41 3. The records of attendance maintained by a school for purposes of
42 paragraph (i) of subsection 2 must include the number of teachers who are
43 in attendance at school and the number of teachers who are absent from
44 school. A teacher shall be deemed in attendance if the teacher is excused
45 from being present in the classroom by the school in which he is employed
46 for one of the following reasons:
- 47 (a) Acquisition of knowledge or skills relating to the professional
48 development of the teacher; or



- 1 (b) Assignment of the teacher to perform duties for cocurricular or
2 extracurricular activities of pupils.
- 3 4. The superintendent of public instruction shall:
- 4 (a) Prescribe forms for the reports required pursuant to subsection 2 and
5 provide the forms to the respective school districts.
- 6 (b) Provide statistical information and technical assistance to the school
7 districts to ensure that the reports provide comparable information with
8 respect to each school in each district and among the districts.
- 9 (c) Consult with a representative of the:
- 10 (1) Nevada State Education Association;
11 (2) Nevada Association of School Boards;
12 (3) Nevada Association of School Administrators;
13 (4) Nevada Parent Teachers Association;
14 (5) Budget division of the department of administration; and
15 (6) Legislative counsel bureau,
16 concerning the program and consider any advice or recommendations
17 submitted by the representatives with respect to the program.
- 18 5. The superintendent of public instruction may consult with
19 representatives of parent groups other than the Nevada Parent Teachers
20 Association concerning the program and consider any advice or
21 recommendations submitted by the representatives with respect to the
22 program.
- 23 6. On or before April 15 of each year, the board of trustees of each
24 school district shall submit to each *advisory* board to review school
25 attendance created in the county pursuant to NRS 392.126 the information
26 required in paragraph (g) of subsection 2.
- 27 7. *The department shall:*
- 28 (a) *Prescribe incidents that must be reported in addition to the*
29 *incidents required pursuant to paragraph (k) of subsection 2; and*
- 30 (b) *Maintain the information that it receives pursuant to paragraph*
31 *(k) of subsection 2 in such a manner as will allow the department to*
32 *track statistically by individual school the incidents occurring at each*
33 *school within a school district for each school year. The department shall*
34 *maintain the information pursuant to this paragraph in a manner that*
35 *does not violate the confidentiality of any individual pupil or employee.*
- 36 8. *As used in this section:*
- 37 (a) *“Assault” has the meaning ascribed to it in paragraph (a) of*
38 *subsection 1 of NRS 200.471.*
- 39 (b) *“Battery” has the meaning ascribed to it in paragraph (a) of*
40 *subsection 1 of NRS 200.481.*
- 41 **Sec. 4.** NRS 385.389 is hereby amended to read as follows:
- 42 385.389 1. The department shall adopt programs of remedial study
43 for each subject tested on the examinations administered pursuant to NRS
44 389.015. In adopting these programs of remedial study, the department
45 shall consider the recommendations submitted by the committee pursuant
46 to NRS 218.5354 and programs of remedial study that have proven to be
47 successful in improving the academic achievement of pupils.



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

4 3. A school district that includes a school which receives a designation
5 of demonstrating need for improvement pursuant to NRS 385.367 shall
6 ensure that each of the pupils enrolled in the school , *including, without*
7 *limitation, pupils with disabilities*, who failed to demonstrate at least
8 adequate achievement on the examinations administered pursuant to NRS
9 389.015 completes, in accordance with the requirements set forth in
10 subsection 5 of NRS 389.015 ~~H~~ *and, if applicable, section 1 of this act*,
11 remedial study that is determined to be appropriate for the pupil.

12 **Sec. 5.** Chapter 389 of NRS is hereby amended by adding thereto the
13 provisions set forth as sections 6 and 7 of this act.

14 **Sec. 6. 1.** *A pupil may receive a high school diploma designated as*
15 *a mastery diploma if he:*

16 (a) *Passes the high school proficiency examination; or*
17 (b) *Is a pupil with a disability or a pupil whose primary language is*
18 *not English, who is exempt from the high school proficiency examination*
19 *and who passes an alternative assessment prescribed by the department*
20 *pursuant to section 7 of this act,*
21 *and otherwise satisfies the requirements for receipt of a high school*
22 *diploma.*

23 2. *A pupil, including, without limitation, a pupil with a disability and*
24 *a pupil whose primary language is not English, may receive a high*
25 *school diploma designated as a standard diploma if he:*

26 (a) *Is exempt from the high school proficiency examination;*
27 (b) *Satisfies the alternative criteria established by the state board*
28 *pursuant to section 7 of this act; and*
29 (c) *Otherwise satisfies the requirements for receipt of a high school*
30 *diploma.*

31 3. *A pupil with a disability who does not satisfy the requirements for*
32 *receipt of a mastery diploma or a standard diploma may receive an*
33 *adjusted diploma if he satisfies the requirements set forth in his*
34 *individualized education program. As used in this subsection,*
35 *“individualized education program” has the meaning ascribed to it in 20*
36 *U.S.C. § 1414(d)(1)(A).*

37 4. *A pupil who does not satisfy the requirements for a high school*
38 *diploma may receive a certificate of attendance in lieu of a diploma if he*
39 *has reached the age of 17 years.*

40 **Sec. 7. 1.** *If a pupil who is enrolled in grade 12 has failed the high*
41 *school proficiency examination and the examination will be administered*
42 *to him for a final time during the regular school year, the board of*
43 *trustees of the school district in which the pupil is enrolled or the*
44 *governing body of the charter school in which the pupil is enrolled shall,*
45 *at least 21 school days before the commencement of the administration of*
46 *the examination, provide written notice to the parent or legal guardian of*
47 *the pupil of the date scheduled for the administration of the examination*
48 *and the provisions of this subsection. The parent or legal guardian of the*
49 *pupil may submit a written request to the board of trustees of the school*



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1 district in which the pupil is enrolled or the governing body of the charter
2 school in which the pupil is enrolled requesting that the board of trustees
3 or the governing body exempt the pupil from taking the examination.
4 The written request must be submitted at least 5 school days before the
5 commencement of the administration of the examination and include a
6 signed statement indicating that the parent or legal guardian
7 understands and accepts full responsibility for the consequences that
8 may result if his child does not take the high school proficiency
9 examination, including, without limitation, ineligibility for a mastery
10 diploma unless he is a pupil with a disability or a pupil whose primary
11 language is not English who passes an alternative assessment prescribed
12 by the department pursuant to subsection 5, and ineligibility for the
13 scholarships that may require passing scores on the high school
14 proficiency examination. Upon receipt of a timely and properly signed
15 request, the board of trustees or the governing body shall exempt the
16 pupil from taking the high school proficiency examination. Such an
17 exemption must be granted for all subject areas tested on the high school
18 proficiency examination and may not be granted for a particular subject
19 area tested on the examination.

20 2. If a pupil with a disability is exempt from the high school
21 proficiency examination pursuant to this section, the pupil's
22 individualized education program, as defined in 20 U.S.C. §
23 1414(d)(1)(A), must indicate:

24 (a) That the pupil is exempt from the high school proficiency
25 examination; and

26 (b) Whether the pupil intends to obtain a mastery diploma, standard
27 diploma or adjusted diploma.

28 3. A pupil who is exempt pursuant to this subsection:

29 (a) Unless otherwise provided by specific statute or in the pupil's
30 individualized education program, is not exempt from other
31 examinations that are administered in the public schools, including,
32 without limitation, the examinations of achievement and proficiency
33 administered pursuant to NRS 389.550; and

34 (b) Must not be included in the count of pupils who are required to
35 take the high school proficiency examination for purposes of the
36 accountability of public schools set forth in NRS 385.3455 to 385.391,
37 inclusive, and section 1 of this act. However, he must be included in the
38 count of pupils for all other purposes of accountability, including,
39 without limitation, the average daily attendance of pupils.

40 4. The state board shall prescribe alternative criteria for the
41 evaluation of pupils, including, without limitation, pupils with disabilities
42 and pupils whose primary language is not English, who are exempt from
43 taking the high school proficiency examination pursuant to this section.
44 The criteria:

45 (a) Must set forth the standards that a pupil must satisfy to receive a
46 standard high school diploma.

47 (b) May include, without limitation, an evaluation of a portfolio of a
48 pupil's school work and the credits completed by the pupil.



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1 *The criteria prescribed for pupils with disabilities must be developed in*
2 *accordance with the Individuals with Disabilities Education Act, 20*
3 *U.S.C. §§ 1400 et seq.*

4 *5. The department shall develop alternative assessments in lieu of the*
5 *high school proficiency examination for pupils with disabilities and*
6 *pupils whose primary language is not English to receive a mastery*
7 *diploma.*

8 **Sec. 8.** NRS 389.015 is hereby amended to read as follows:

9 389.015 1. The board of trustees of each school district shall
10 administer examinations in all public schools of the school district. The
11 governing body of a charter school shall administer the same examinations
12 in the charter school. The examinations administered by the board of
13 trustees and governing body must determine the achievement and
14 proficiency of pupils in:

- 15 (a) Reading;
16 (b) Writing;
17 (c) Mathematics; and
18 (d) Science.

19 *For the subject area of reading, the examinations must measure a pupil's*
20 *comprehension of material that is read aloud to the pupil if the pupil is*
21 *receiving special education pursuant to NRS 388.440 to 388.520,*
22 *inclusive, because he is blind or otherwise has a visual impairment or a*
23 *specific learning disability in reading.*

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

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

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

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

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



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

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

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

9 4. Different standards of proficiency may be adopted for pupils with
10 diagnosed learning disabilities. *If a pupil is receiving special education*
11 *pursuant to NRS 388.440 to 388.520, inclusive, because the pupil is blind*
12 *or otherwise has a visual impairment or a specific learning disability in*
13 *reading, the school in which the pupil is enrolled shall, upon the request*
14 *of the parent or legal guardian of the pupil, ensure that the reading*
15 *portion of the examination is read aloud to the pupil.* If a pupil with a
16 disability is unable to take an examination created by a private entity under
17 regular testing conditions or with modifications and accommodations that
18 are approved by the private entity, the pupil may take the examination with
19 modifications and accommodations that are approved by the state board
20 pursuant to subsection 8. If a pupil with a disability is unable to take an
21 examination created by the department under regular testing conditions or
22 with modifications and accommodations that are approved by the
23 department, the pupil may take the examination with modifications and
24 accommodations that are approved by the state board pursuant to
25 subsection 8. The results of an examination that is taken under conditions
26 that are not approved by a private entity or the department, as applicable,
27 must not be reported pursuant to subsection 2 of NRS 389.017. If different
28 standards of proficiency are adopted or other modifications or
29 accommodations are made in the administration of the examinations for a
30 pupil who is enrolled in a program of special education pursuant to NRS
31 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the
32 different standards adopted or other modifications or accommodations
33 must be set forth in the pupil's program of special education developed in
34 accordance with the Individuals with Disabilities Education Act, 20 U.S.C.
35 §§ 1400 et seq., and the standards prescribed by the state board. During the
36 administration of the high school proficiency examination, a pupil with a
37 disability may be given additional time to complete the examination if the
38 additional time is a modification or accommodation that is approved in the
39 pupil's program of special education developed in accordance with the
40 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

41 5. If a pupil , *including, without limitation, a pupil with a disability,*
42 fails to demonstrate at least adequate achievement on the examination
43 administered before the completion of grade 4, 8 or 10, he may be
44 promoted to the next higher grade, but the results of his examination must
45 be evaluated to determine what remedial study is appropriate. If such a
46 pupil is enrolled at a school that has been designated as demonstrating need
47 for improvement pursuant to NRS 385.367 , the pupil must, in accordance
48 with the requirements set forth in this subsection ~~†~~ *and, if applicable,*



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1 *section 1 of this act*, complete remedial study that is determined to be
2 appropriate for the pupil.

3 6. ~~HH~~ *Except as otherwise provided in section 7 of this act, if* a pupil
4 fails to pass the proficiency examination administered before the
5 completion of grade 11, he must not be graduated until he is able, through
6 remedial study, to pass the proficiency examination, but he may be given a
7 certificate of attendance, in place of a diploma, if he has reached the age of
8 17 years.

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

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

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

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

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

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

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

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

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

44 (a) *Authorizing* a pupil to complete an examination with additional time
45 ~~the~~ , *not to exceed 2 school days per subject area tested on the*
46 *examination;*

47 (b) *Authorizing a pupil to use a calculator during the mathematics*
48 *portion of the examination;*

49 (c) *If an examination is administered in a separate setting for a pupil:*



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1 *(1) Allowing the pupil freedom of movement during the*
2 *administration of the examination, including, without limitation, the*
3 *ability to stand; and*

4 *(2) Altering the environment of the classroom during the*
5 *administration of the examination, including, without limitation, playing*
6 *appropriate music; and*

7 *(d) Using appropriate assistive technology devices, as defined in 20*
8 *U.S.C. § 1401(I).*

9 **Sec. 9.** NRS 389.017 is hereby amended to read as follows:

10 389.017 1. The state board shall prescribe regulations requiring that
11 each board of trustees of a school district and each governing body of a
12 charter school submit to the superintendent of public instruction and the
13 department, in the form and manner prescribed by the superintendent, the
14 results of achievement and proficiency examinations given in the 4th, 8th,
15 10th and 11th grades to public school pupils of the district and charter
16 schools. The state board shall not include in the regulations any provision
17 which would violate the confidentiality of the test scores of any individual
18 pupil.

19 2. The results of examinations must be reported for each school,
20 including, without limitation, each charter school, school district and this
21 state as follows:

22 (a) The average score, as defined by the department, of pupils who took
23 the examinations under regular testing conditions; and

24 (b) The average score, as defined by the department, of pupils who took
25 the examinations with modifications or accommodations approved by the
26 private entity that created the examination or, if the department created the
27 examination, the department, if such reporting does not violate the
28 confidentiality of the test scores of any individual pupil.

29 3. The department shall adopt regulations prescribing the requirements
30 for reporting the scores of pupils who:

31 (a) Took the examinations under conditions that were not approved by
32 the private entity that created the examination or, if the department created
33 the examination, by the department;

34 (b) Are enrolled in special schools for children with disabilities;

35 (c) Are enrolled in an alternative program for the education of pupils at
36 risk of dropping out of high school; or

37 (d) Are detained in a:

38 (1) Youth training center;

39 (2) Youth center;

40 (3) Juvenile forestry camp;

41 (4) Detention home;

42 (5) Youth camp;

43 (6) Juvenile correctional institution; or

44 (7) Correctional institution.

45 The scores reported pursuant to this subsection must not be included in the
46 average scores reported pursuant to subsection 2.

47 4. Not later than 10 days after the department receives the results of
48 the achievement and proficiency examinations, the department shall
49 transmit a copy of the results of the examinations administered pursuant to



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1 NRS 389.015 to the legislative bureau of educational accountability and
2 program evaluation in a manner that does not violate the confidentiality of
3 the test scores of any individual pupil.

4 5. On or before November 1 of each year, each school district and each
5 charter school shall report to the department the following information for
6 each examination administered in the public schools in the school district
7 or charter school:

8 (a) The examination administered;
9 (b) The grade level or levels of pupils to whom the examination was
10 administered;
11 (c) The costs incurred by the school district or charter school in
12 administering each examination; and
13 (d) The purpose, if any, for which the results of the examination are
14 used by the school district or charter school.

15 On or before December 1 of each year, the department shall transmit to the
16 budget division of the department of administration and the fiscal analysis
17 division of the legislative counsel bureau the information submitted to the
18 department pursuant to this subsection.

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

26 (a) His primary language is not English and his proficiency in the
27 English language is below the level that the state board determines is
28 proficient, as measured by an assessment of proficiency in the English
29 language prescribed by the state board pursuant to subsection 8; ~~or~~
30 (b) He is enrolled in a program of special education pursuant to NRS
31 388.440 to 388.520, inclusive, and his program of special education
32 specifies that he is exempt from taking the examinations ~~or~~; *or*
33 *(c) His parent or legal guardian has submitted a written request for an*
34 *exemption pursuant to section 7 of this act.*

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

37 (a) Report the number of pupils who were not exempt from taking the
38 examinations but were absent from school on the day that the examinations
39 were administered; and
40 (b) Reconcile the number of pupils who were required to take the
41 examinations with the number of pupils who were exempt from taking the
42 examinations or absent from school on the day that the examinations were
43 administered.

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



1 **Sec. 10.** Chapter 392 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 11 to 17, inclusive, of this act.

3 **Sec. 11.** *1. If a pupil commits an assault or battery, or both, on*
4 *another pupil, the principal of the school or his designee shall provide*
5 *the parents or legal guardian of the pupil against whom the act was*
6 *committed with the phone number of the local law enforcement agency*
7 *and a form for filing a complaint with the local law enforcement agency.*
8 *The principal or his designee shall request that the parents or legal*
9 *guardian file a criminal complaint in the proper court.*

10 2. *As used in this section:*

11 (a) *“Assault” has the meaning ascribed to it in paragraph (a) of*
12 *subsection 1 of NRS 200.471.*

13 (b) *“Battery” has the meaning ascribed to it in paragraph (a) of*
14 *subsection 1 of NRS 200.481.*

15 (c) *“Local law enforcement agency” means:*

16 (1) *The sheriff’s office of a county;*

17 (2) *A metropolitan police department; or*

18 (3) *A police department of an incorporated city.*

19 **Sec. 12.** *As used in sections 12 to 17, inclusive, of this act, unless the*
20 *context otherwise requires, “principal” means the principal of a school*
21 *or his designee.*

22 **Sec. 13.** *An action must not be taken pursuant to the provisions of*
23 *sections 12 to 17, inclusive, of this act against a pupil with a disability*
24 *who is participating in a program of special education pursuant to NRS*
25 *388.440 to 388.520, inclusive, unless the action complies with:*

26 1. *The Individuals with Disabilities Education Act, 20 U.S.C. §§*
27 *1400 et seq., including, without limitation, the pupil’s individualized*
28 *education program developed in accordance with that act;*

29 2. *The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101*
30 *et seq.;*

31 3. *Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;*
32 *and*

33 4. *Any other federal law applicable to children with disabilities.*

34 **Sec. 14.** *1. A driver of a school bus may remove the privilege of a*
35 *pupil to ride any school bus if, in the judgment of the driver, the pupil*
36 *has engaged in behavior while on the school bus that is disruptive and*
37 *threatens the safety of the driver or the other pupils on the school bus, or*
38 *both, or otherwise seriously interferes with the ability of the driver to*
39 *drive the school bus.*

40 2. *Before a driver of a school bus removes the privilege of a pupil to*
41 *ride a school bus, the driver shall:*

42 (a) *Provide to the pupil an explanation of the reason for the removal*
43 *and offer an opportunity for the pupil to respond;*

44 (b) *Safely deliver the pupil to the regular bus stop of the pupil or the*
45 *school in which the pupil is enrolled; and*

46 (c) *Provide written documentation of the incident to the principal of*
47 *the school in which the pupil is enrolled.*



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1 3. Within 24 hours after a driver of a school bus removes the
2 privilege of a pupil to ride a school bus, the principal of the school in
3 which the pupil is enrolled shall notify:

- 4 (a) The parent or legal guardian of the pupil; and
5 (b) The person who supervises the driver.

6 **Sec. 15.** 1. Except as otherwise provided in this section, not later
7 than 5 school days after the privilege of a pupil to ride a school bus is
8 removed pursuant to section 14 of this act, a conference must be held
9 with:

- 10 (a) The pupil;
11 (b) A parent or legal guardian of the pupil;
12 (c) The principal of the school; and
13 (d) The driver who removed the pupil.

14 The principal shall give an oral or written notice of the conference, as
15 appropriate, to each person who is required to participate. The pupil
16 must not ride any school bus before the conference is held.

17 2. After receipt of the notice required pursuant to subsection 1, the
18 parent or legal guardian of the pupil may, not later than 5 school days
19 after the removal of the pupil, request that the date of the conference be
20 postponed. The principal shall accommodate such a request. If the date
21 of the conference is postponed pursuant to this subsection, the principal
22 shall send written notice to the parent or legal guardian confirming that
23 the conference has been postponed at the request of the parent or legal
24 guardian.

25 3. If a parent or legal guardian of a pupil refuses to attend a
26 conference, the principal of the school shall send a written notice to the
27 parent or legal guardian confirming that the parent or legal guardian
28 has waived the right to a conference provided by this section and
29 authorized the principal at his discretion to recommend the immediate
30 return of the privilege of the pupil to ride the school bus or to
31 recommend the removal of the privilege of the pupil to ride the school
32 bus for 5 school days in addition to the days that the pupil has been
33 prohibited from riding the school bus pursuant to section 14 of this act.

34 4. During the conference, the driver of the school bus who removed
35 the privilege of the pupil to ride the school bus or the principal shall
36 provide the pupil and his parent or legal guardian with an explanation of
37 the reason for the removal. The pupil and his parent or legal guardian
38 must be granted an opportunity to respond to the explanation and to
39 indicate whether the removal of the privilege of the pupil to ride the
40 school bus was appropriate in their opinion based upon the behavior of
41 the pupil.

42 5. Upon conclusion of the conference or, if a conference is not held
43 pursuant to subsection 3, not later than 5 school days after the removal
44 of the privilege of the pupil to ride the school bus, the principal shall
45 recommend whether to immediately return the privilege of the pupil to
46 ride the school bus or to remove the privilege of the pupil to ride the
47 school bus for 5 school days in addition to the days that the pupil has
48 been prohibited from riding the school bus pursuant to section 14 of
49 this act.



1 **Sec. 16. 1.** *The board of trustees of each school district shall*
2 *establish a special committee on school bus transportation to review the*
3 *removal of the privilege of a pupil to ride a school bus. Except as*
4 *otherwise provided in this subsection, such a committee must consist of*
5 *two persons employed by the school district who drive a school bus and*
6 *one person employed by the school district as an administrator. An*
7 *administrator who is appointed to such a committee may designate a*
8 *person who is employed by the school district as a supervisor of school*
9 *bus transportation to serve in the administrator's place on the committee.*
10 *One additional member who drives a school bus must be selected to serve*
11 *as an alternate member.*

12 **2.** *If the privilege of a pupil to ride a school bus is removed pursuant*
13 *to section 14 of this act by a driver who is a member of the committee*
14 *established pursuant to subsection 1, the driver shall not participate in*
15 *the review of the removal of the pupil's privilege to ride the school bus*
16 *and the alternate member shall serve on the committee for that review.*

17 **Sec. 17.** *If, in accordance with subsection 5 of section 15 of this act,*
18 *the principal recommends that the privilege of the pupil to ride the school*
19 *bus be immediately returned and the driver who removed the pupil does*
20 *not agree with the recommendation, the principal shall immediately*
21 *convene a meeting of the committee created pursuant to section 16 of this*
22 *act. The principal shall inform the parent or legal guardian of the pupil*
23 *that the committee will be conducting a meeting. The committee shall*
24 *review the circumstances of the removal of the pupil's privilege to ride*
25 *the school bus and the pupil's behavior that caused the privilege to be*
26 *removed. Based upon its review, the committee shall decide whether the*
27 *privilege of the pupil to ride the school bus must be immediately returned*
28 *or whether the privilege should be removed for 5 school days in addition*
29 *to the days the pupil has been prohibited from riding the school bus*
30 *pursuant to section 14 of this act.*

31 **Sec. 18.** NRS 392.4644 is hereby amended to read as follows:
32 392.4644 **1.** The principal of each public school shall establish a plan
33 to provide for the progressive discipline of pupils and on-site review of
34 disciplinary decisions. The plan must:

35 ~~1-1~~ **(a)** Be developed with the input and participation of teachers *who*
36 *are employed at the school* and *the* parents *and guardians* of pupils who
37 are enrolled in the school.

38 ~~1-2~~ **(b)** Be consistent with the written rules of behavior prescribed in
39 accordance with NRS 392.463.

40 ~~1-3~~ **(c)** Include, without limitation, provisions designed to address the
41 specific disciplinary needs and concerns of the school.

42 ~~1-4~~ **(d)** Provide for the temporary removal of a pupil from a classroom
43 in accordance with NRS 392.4645.

44 **2.** *After the input and participation of teachers and parents of pupils*
45 *is received pursuant to paragraph (a) of subsection 1, the principal and*
46 *the teachers who are employed at the school shall adopt the plan without*
47 *any further review except as required by subsection 3.*

48 **3.** *Except as otherwise provided in subsection 4, on or before October*
49 *1 of each year, the principal of each public school shall review the plan*



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1 *in consultation with the teachers who are employed at the school. Based*
2 *upon the review, the principal shall make revisions to the plan, if*
3 *necessary. Except as otherwise provided in subsection 4, the principal of*
4 *each public school shall, on or before November 1 of each year, file with*
5 *the board of trustees of the school district a copy of the plan adopted*
6 *pursuant to this section, including, without limitation, any revisions to*
7 *the plan.*

8 *4. A principal may submit a written request to his immediate*
9 *supervisor for additional time to comply with this section. The supervisor*
10 *may grant the principal additional time to comply with this section, not to*
11 *exceed 30 days after receipt of the request. If a principal who is granted*
12 *additional time fails to comply with this section:*

13 *(a) Within the 30-day period allowed by his immediate supervisor, the*
14 *supervisor shall ensure that a letter of reprimand or letter of admonition*
15 *is included within the personnel file of the principal.*

16 *(b) Within 30 days after the letter of reprimand or letter of admonition*
17 *is issued pursuant to paragraph (a), the board of trustees shall take such*
18 *action against the principal pursuant to NRS 391.312 as it considers*
19 *necessary.*

20 **Sec. 19.** NRS 392.4647 is hereby amended to read as follows:

21 392.4647 1. The principal of each public school shall establish at
22 least one committee to review the temporary alternative placement of
23 pupils. A committee established pursuant to this section must consist of the
24 principal and two regular members who are teachers selected for
25 membership by a majority of the teachers who are employed at the school.
26 One additional teacher must be selected in the same manner to serve as an
27 alternate member. *The term of membership for the teachers who serve on*
28 *the committee is 2 school years.*

29 2. If a pupil is removed from the classroom pursuant to NRS 392.4645
30 by a teacher who is a member of a committee established pursuant to this
31 section, the teacher shall not participate in the review of the placement of
32 the pupil and the alternate member shall serve on the committee for that
33 review.

34 **Sec. 20.** Notwithstanding the provisions of subsection 5 of section 1
35 of chapter 583, Statutes of Nevada 1999, at page 3155, to the contrary, the
36 high school proficiency examination that is administered to pupils with
37 disabilities must not measure the performance of those pupils on the
38 standards of content and performance established by the council to
39 establish academic standards for public schools for the subject area of
40 science until the 2003-2004 school year. A pupil with a disability must not
41 be required to pass the high school proficiency examination that includes
42 measures of the standards of content and performance established by the
43 council to establish academic standards for public schools for the subject
44 area of science to receive a mastery diploma until the 2004-2005 school
45 year.

46 **Sec. 21.** 1. There is hereby appropriated from the state general fund
47 to the department of education the sum of \$7,000,000 for a grant program
48 whereby school districts can carry out pilot programs for the administration



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1 of the achievement and proficiency examinations required by NRS 389.015
2 on the weekends rather than during the regular school week.

3 2. A school district may apply to the department of education for a
4 grant of money from the appropriation made by subsection 1. An
5 application must include:

6 (a) A description of the pilot program for administering the achievement
7 and proficiency examinations on the weekends rather than during the
8 regular school week, including, without limitation, the proposed staffing
9 for the program and estimated salary costs;

10 (b) Any other estimated costs to carry out the program; and

11 (c) A description of the manner by which the school district will ensure
12 the security and confidentiality of the examinations.

13 3. The department of education shall provide grants of money to
14 school districts with approved applications based upon the need of each
15 school district with an approved application. Notwithstanding the
16 provisions of NRS 389.015 and the regulations adopted pursuant thereto to
17 the contrary, a school district that receives a grant of money pursuant to
18 this section shall:

19 (a) Use the money to operate a pilot program whereby the school
20 district administers the achievement and proficiency examinations required
21 by NRS 389.015 on the weekends.

22 (b) On or before November 1, 2002, submit a written report to the
23 department evaluating the effectiveness of the pilot program for the time
24 during which the program operated before the submission of the report.

25 4. The department of education shall review and compile the written
26 evaluations submitted by school districts that operated a pilot program
27 pursuant to this section and submit a separate written report evaluating the
28 effectiveness of the pilot programs to the director of the legislative counsel
29 bureau for transmission to the 72nd session of the Nevada legislature on or
30 before February 1, 2003.

31 5. Any remaining balance of the appropriation made by subsection 1
32 must not be committed for expenditure after June 30, 2003, and reverts to
33 the state general fund as soon as payments of all money committed have
34 been made.

35 **Sec. 22.** 1. There is hereby appropriated from the state general fund
36 to the department of education the sum of \$350,000 for the development
37 and implementation of alternative assessments in lieu of the high school
38 proficiency examination for pupils with disabilities and pupils whose
39 primary language is not English to receive a mastery diploma.

40 2. The department of education shall use the money appropriated by
41 subsection 1 to develop alternative assessments for pupils with disabilities
42 and pupils whose primary language is not English who are exempt from the
43 high school proficiency examination for use commencing in the 2002-2003
44 school year. The department may use a portion of the appropriation to
45 conduct selected reviews of the alternative assessments in the fall semester
46 of 2002.

47 3. Any remaining balance of the appropriation made by subsection 1
48 must not be committed for expenditure after June 30, 2003, and reverts to



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1 the state general fund as soon as all payments of money committed have
2 been made.

3 **Sec. 23.** 1. There is hereby appropriated from the state general fund
4 to the department of education the sum of \$10,000,000 for a grant program
5 whereby school districts may apply for money to provide a program of
6 temporary alternative placement for pupils who are removed from the
7 classroom pursuant to NRS 392.4642 to 392.4648, inclusive.

8 2. Before the department of education accepts applications from school
9 districts for a grant of money, the department shall, on or before October 1,
10 2001, prepare and publish a list of approved programs for the temporary
11 alternative placement of pupils who are removed from the classroom
12 pursuant to NRS 392.4642 to 392.4648, inclusive. In preparing the list, the
13 department of education shall:

14 (a) Work in consultation with the Nevada State Education Association
15 and local associations and organizations of parents whose children are
16 enrolled in public schools throughout this state.

17 (b) Consider those programs that have been carried out by the eight
18 schools selected to participate in the pilot project for alternative programs
19 of education for disruptive pupils pursuant to section 9 of chapter 591,
20 Statutes of Nevada 1999, at page 3188.

21 (c) Consider those programs that have otherwise been carried out by
22 school districts pursuant to NRS 392.4642 to 392.4648, inclusive, which
23 have proven successful.

24 3. The board of trustees of a school district may apply to the
25 department of education for a grant of money from the appropriation made
26 by subsection 1. A school district that receives a grant of money shall use
27 the money to provide a program of temporary alternative placement of
28 pupils who are removed from the classroom from the list of approved
29 programs prepared by the department pursuant to subsection 2.

30 4. Any remaining balance of the appropriation made by subsection 1
31 must not be committed for expenditure after June 30, 2003, and reverts to
32 the state general fund as soon as all payments of money committed have
33 been made.

34 **Sec. 24.** On or before February 1, 2002, the state board of education
35 shall prescribe, in accordance with section 7 of this act, alternative criteria
36 for the receipt of a standard diploma for pupils who are exempt from taking
37 the high school proficiency examination for applicability commencing with
38 the 2002-2003 school year.

39 **Sec. 25.** 1. This section and sections 21, 22 and 23 of this act
40 become effective upon passage and approval.

41 2. Sections 1 to 5, inclusive, 8 to 20, inclusive, and 24 of this act
42 become effective on July 1, 2001.

43 3. Sections 6 and 7 of this act become effective on July 1, 2002.

