

(REPRINTED WITH ADOPTED AMENDMENTS)

THIRD 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.

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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; 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; revising provisions governing the administration of the achievement and proficiency examinations; requiring the department of education to adopt model alternative discipline programs for pupils; requiring each school district to adopt appropriate model alternative discipline programs for use in the schools within the school district; 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; providing that certain pupils who do not pass the high school proficiency examination are eligible to receive a standard high school diploma; 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 **Sections 1 and 2.** (Deleted by amendment.)
- 2 **Sec. 3.** NRS 385.347 is hereby amended to read as follows:
- 3 385.347 1. The board of trustees of each school district in this state,
- 4 in cooperation with associations recognized by the state board as
- 5 representing licensed personnel in education in the district, shall adopt a
- 6 program providing for the accountability of the school district to the
- 7 residents of the district and to the state board for the quality of the schools



* A B 3 1 9 R 3 *

1 and the educational achievement of the pupils in the district, including,
2 without limitation, pupils enrolled in charter schools in the school district.

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

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

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

9 Unless otherwise directed by the department, the board of trustees of the
10 district shall base its report on the results of the examinations administered
11 pursuant to NRS 389.015 and shall compare the results of those
12 examinations for the current school year with those of previous school
13 years. The report must include, for each school in the district, including,
14 without limitation, each charter school in the district, and each grade in
15 which the examinations were administered:

16 (1) The number of pupils who took the examinations;

17 (2) An explanation of instances in which a school was exempt from
18 administering or a pupil was exempt from taking an examination; and

19 (3) A record of attendance for the period in which the examinations
20 were administered, including an explanation of any difference in the
21 number of pupils who took the examinations and the number of pupils who
22 are enrolled in the school.

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

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

34 (d) The percentage of classes taught by teachers who have been
35 assigned to teach English, mathematics, science or social studies but do not
36 possess a license with an endorsement to teach in that subject area, for each
37 school in the district and the district as a whole, including, without
38 limitation, each charter school in the district.

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

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

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

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

45 (g) Records of the attendance and truancy of pupils in all grades,
46 including, without limitation, the average daily attendance of pupils, for
47 each school in the district and the district as a whole, including, without
48 limitation, each charter school in the district.



* A B 3 1 9 R 3 *

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



* A B 3 1 9 R 3 *

1 district as a whole, including, without limitation, each charter school in the
2 district.

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

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

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

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

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

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

25 (1) A ~~standard high school~~ *mastery* diploma.

26 (2) *A standard diploma.*

27 (3) An adjusted diploma.

28 ~~(3)~~ (4) A certificate of attendance.

29 (v) For each school in the district and the district as a whole, including,
30 without limitation, each charter school in the district, the number and
31 percentage of pupils who did not receive a high school diploma because the
32 pupils failed to ~~pass~~ :

33 (1) *Pass the regular* high school proficiency examination ~~H~~ ;

34 (2) *Pass the alternative high school proficiency examination; or*

35 (3) *Satisfy the other requirements for graduation from high school.*

36 (w) The number of habitual truants who are reported to a school police
37 officer or law enforcement agency pursuant to paragraph (a) of subsection
38 2 of NRS 392.144 and the number of habitual truants who are referred to
39 an advisory board to review school attendance pursuant to paragraph (b) of
40 subsection 2 of NRS 392.144, for each school in the district and for the
41 district as a whole.

42 (x) Such other information as is directed by the superintendent of public
43 instruction.

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



* A B 3 1 9 R 3 *

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



* A B 3 1 9 R 3 *

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 and pupils whose primary language is*
8 *not English*, who failed to demonstrate at least adequate achievement on
9 the examinations administered pursuant to NRS 389.015 completes, in
10 accordance with the requirements set forth in subsection 5 of NRS
11 389.015, 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, including, without limitation, a pupil with a*
15 *disability and a pupil whose primary language is not English, is eligible*
16 *to receive a high school diploma designated as a mastery diploma if he*
17 *passes the regular high school proficiency examination and otherwise*
18 *satisfies the requirements for receipt of a high school diploma.*

19 2. *A pupil with a disability or a pupil whose primary language is not*
20 *English is eligible to receive a high school diploma designated as a*
21 *standard diploma if he passes the alternative high school proficiency*
22 *examination prescribed by the department pursuant to subsection 6 and*
23 *otherwise satisfies the requirements for receipt of a high school diploma,*
24 *as set forth in the pupil's individualized education program, if applicable.*

25 3. *A pupil, including, without limitation, a pupil with a disability and*
26 *a pupil whose primary language is not English, is eligible to receive a*
27 *high diploma designated as an adjusted diploma if he does not pass the*
28 *regular high school proficiency examination or the alternative high*
29 *school proficiency examination, but he otherwise satisfies the*
30 *requirements for graduation from high school.*

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

34 5. *A pupil's individualized education program must indicate whether*
35 *the pupil intends to obtain a mastery diploma, standard diploma, adjusted*
36 *diploma or certificate of attendance.*

37 6. *The department shall develop an alternative high school*
38 *proficiency examination for use in lieu of the regular high school*
39 *proficiency examination for pupils with disabilities and pupils whose*
40 *primary language is not English to receive a standard diploma. The*
41 *provisions of NRS 389.015 and 389.017 regarding the administration and*
42 *reporting of examinations apply to the alternative high school*
43 *proficiency examination.*

44 7. *As used in this subsection, "individualized education program"*
45 *has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).*

46 **Sec. 7.** *If a pupil who is enrolled in grade 12 has failed the regular*
47 *high school proficiency examination and the examination will be*
48 *administered to him for a final time during the regular school year, the*
49 *board of trustees of the school district in which the pupil is enrolled or*



1 *the governing body of the charter school in which the pupil is enrolled*
2 *shall, at least 21 school days before the commencement of the*
3 *administration of the examination, provide written notice to the parent or*
4 *legal guardian of the pupil of the date scheduled for the administration*
5 *of the examination and the provisions of this section. At least 5 school*
6 *days before the administration of the examination, the parent or legal*
7 *guardian of the pupil shall submit a written statement to the board of*
8 *trustees of the school district in which the pupil is enrolled or the*
9 *governing body of the charter school in which the pupil is enrolled*
10 *indicating that the parent or legal guardian understands and accepts full*
11 *responsibility for the consequences that may result if his child does not*
12 *pass the high school proficiency examination, including, without*
13 *limitation, ineligibility for a mastery diploma and ineligibility for the*
14 *scholarships that may require passing scores on the high school*
15 *proficiency examination. The provisions of this section do not apply to a*
16 *pupil with a disability or a pupil whose primary language is not English*
17 *if the pupil has satisfied the requirements for receipt of a standard high*
18 *school diploma.*

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

20 389.015 1. The board of trustees of each school district shall
21 administer examinations in all public schools of the school district. The
22 governing body of a charter school shall administer the same examinations
23 in the charter school. The examinations administered by the board of
24 trustees and governing body must determine the achievement and
25 proficiency of pupils in:

- 26 (a) Reading;
- 27 (b) Writing;
- 28 (c) Mathematics; and
- 29 (d) Science.

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

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 *Assembly Bill No. 214 of this ~~act~~ session* by the
45 department and with the plan adopted pursuant to section 4 of *Assembly*
46 *Bill No. 214 of this ~~act~~ session* by the board of trustees of the school
47 district in which the examinations are administered. The department shall
48 monitor the compliance of school districts and individual schools with:

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



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

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

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

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

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

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

30 4. Different standards of proficiency may be adopted for pupils with
31 diagnosed learning disabilities. *If a pupil is receiving special education*
32 *pursuant to NRS 388.440 to 388.520, inclusive, because the pupil is blind*
33 *or otherwise has a visual impairment or a specific learning disability in*
34 *reading, the school in which the pupil is enrolled shall, upon the request*
35 *of the parent or legal guardian of the pupil or the pupil's individualized*
36 *education program team, ensure that the reading portion of the*
37 *examination is read aloud to the pupil.* If a pupil with a disability is
38 unable to take an examination created by a private entity under regular
39 testing conditions or with modifications and accommodations that are
40 approved by the private entity, the pupil may take the examination with
41 modifications and accommodations that are approved by the state board
42 pursuant to subsection 8. If a pupil with a disability is unable to take an
43 examination created by the department under regular testing conditions or
44 with modifications and accommodations that are approved by the
45 department, the pupil may take the examination with modifications and
46 accommodations that are approved by the state board pursuant to
47 subsection 8. The results of an examination that is taken under conditions
48 that are not approved by a private entity or the department, as applicable,
49 must not be reported pursuant to subsection 2 of NRS 389.017. If different



1 standards of proficiency are adopted or other modifications or
2 accommodations are made in the administration of the examinations for a
3 pupil who is enrolled in a program of special education pursuant to NRS
4 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the
5 different standards adopted or other modifications or accommodations
6 must be set forth in the pupil's program of special education developed in
7 accordance with the Individuals with Disabilities Education Act, 20 U.S.C.
8 §§ 1400 et seq., and the standards prescribed by the state board. During the
9 administration of the high school proficiency examination, a pupil with a
10 disability may be given additional time to complete the examination if the
11 additional time is a modification or accommodation that is approved in the
12 pupil's program of special education developed in accordance with the
13 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.

14 5. If a pupil *, including, without limitation, a pupil with a disability*
15 *and a pupil whose primary language is not English,* fails to demonstrate
16 at least adequate achievement on the examination administered before the
17 completion of grade 4, 8 or 10, he may be promoted to the next higher
18 grade, but the results of his examination must be evaluated to determine
19 what remedial study is appropriate. If such a pupil is enrolled at a school
20 that has been designated as demonstrating need for improvement pursuant
21 to NRS 385.367, the pupil must, in accordance with the requirements set
22 forth in this subsection, complete remedial study that is determined to be
23 appropriate for the pupil.

24 6. If a pupil fails to pass the *regular high school* proficiency
25 examination ~~administered before the completion of grade 11,~~ *or the*
26 *alternative high school proficiency examination, if applicable, he must*
27 *receive an adjusted high school diploma if he otherwise satisfies the*
28 *requirements for receipt of a high school diploma. If such a pupil does*
29 *not otherwise satisfy the requirements for receipt of a high school*
30 *diploma,* he must not be graduated until he is able, through remedial study,
31 to pass the *appropriate* proficiency examination ~~or~~ *or otherwise satisfy the*
32 *requirements for receipt of a high school diploma,* but he may be given a
33 certificate of attendance, in place of a diploma, if he has reached the age of
34 17 years. *The school in which such a pupil is enrolled shall allow the*
35 *pupil to participate in the graduation ceremony of the school to receive*
36 *his certificate of attendance.*

37 7. ~~The~~ *Except for the alternative high school proficiency*
38 *examination developed by the department pursuant to section 6 of this*
39 *act, the* state board shall prescribe standard examinations of achievement
40 and proficiency to be administered pursuant to subsection 1. The
41 examinations on reading, mathematics and science prescribed for grades 4,
42 8 and 10 must be selected from examinations created by private entities
43 and administered to a national reference group, and must allow for a
44 comparison of the achievement and proficiency of pupils in grades 4, 8 and
45 10 in this state to that of a national reference group of pupils in grades 4, 8
46 and 10. The questions contained in the examinations and the approved
47 answers used for grading them are confidential, and disclosure is unlawful
48 except:



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

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

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

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

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

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

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

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

25 ~~the following:~~

26 (a) *Authorizing a pupil to complete an examination with additional time*
27 *not to exceed 2 school days per subject area tested on the*
28 *examination;*

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

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

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

35 (2) *Altering the environment of the classroom during the*
36 *administration of the examination, including, without limitation, playing*
37 *appropriate music; and*

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

40 9. *As used in this section, "individualized education program team"*
41 *has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).*

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

43 389.017 1. The state board shall prescribe regulations requiring that
44 each board of trustees of a school district and each governing body of a
45 charter school submit to the superintendent of public instruction and the
46 department, in the form and manner prescribed by the superintendent, the
47 results of achievement and proficiency examinations given in the 4th, 8th,
48 10th and 11th grades to public school pupils of the district and charter
49 schools. The state board shall not include in the regulations any provision



* A B 3 1 9 R 3 *

1 which would violate the confidentiality of the test scores of any individual
2 pupil.

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

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

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

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

15 (a) Took the examinations under conditions that were not approved by
16 the private entity that created the examination or, if the department created
17 the examination, by the department;

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

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

21 (d) Are detained in a:

22 (1) Youth training center;

23 (2) Youth center;

24 (3) Juvenile forestry camp;

25 (4) Detention home;

26 (5) Youth camp;

27 (6) Juvenile correctional institution; or

28 (7) Correctional institution.

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

31 4. Not later than 10 days after the department receives the results of
32 the achievement and proficiency examinations, the department shall
33 transmit a copy of the results of the examinations administered pursuant to
34 NRS 389.015 to the legislative bureau of educational accountability and
35 program evaluation in a manner that does not violate the confidentiality of
36 the test scores of any individual pupil.

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

41 (a) The examination administered;

42 (b) The grade level or levels of pupils to whom the examination was
43 administered;

44 (c) The costs incurred by the school district or charter school in
45 administering each examination; and

46 (d) The purpose, if any, for which the results of the examination are
47 used by the school district or charter school.

48 On or before December 1 of each year, the department shall transmit to the
49 budget division of the department of administration and the fiscal analysis



* A B 3 1 9 R 3 *

1 division of the legislative counsel bureau the information submitted to the
2 department pursuant to this subsection.

3 6. The superintendent of schools of each school district and the
4 governing body of each charter school shall certify that the number of
5 pupils who took the examinations required pursuant to NRS 389.015 is
6 equal to the number of pupils who are enrolled in each school in the school
7 district or in the charter school who are required to take the examinations
8 except for those pupils who are exempt from taking the examinations. A
9 pupil may be exempt from taking the examinations if:

10 (a) His primary language is not English and his proficiency in the
11 English language is below the level that the state board determines is
12 proficient, as measured by an assessment of proficiency in the English
13 language prescribed by the state board pursuant to subsection 8; or

14 (b) He is enrolled in a program of special education pursuant to NRS
15 388.440 to 388.520, inclusive, and his program of special education
16 specifies that he is exempt from taking the examinations.

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

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

22 (b) Reconcile the number of pupils who were required to take the
23 examinations with the number of pupils who were exempt from taking the
24 examinations or absent from school on the day that the examinations were
25 administered.

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

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

32 **Sec. 11. 1. *If a pupil commits an assault or battery, or both, on***
33 ***another pupil, the principal of the school or his designee shall provide***
34 ***the parents or legal guardian of the pupil against whom the act was***
35 ***committed with the phone number of the local law enforcement agency***
36 ***and the school police, if applicable, and a form for filing a complaint***
37 ***with the local law enforcement agency and a form for filing a complaint***
38 ***with the school police, if applicable. The principal or his designee shall***
39 ***request that the parents or legal guardian file a criminal complaint in the***
40 ***proper court.***

41 **2. *As used in this section:***

42 ***(a) "Assault" has the meaning ascribed to it in paragraph (a) of***
43 ***subsection 1 of NRS 200.471.***

44 ***(b) "Battery" has the meaning ascribed to it in paragraph (a) of***
45 ***subsection 1 of NRS 200.481.***

46 ***(c) "Local law enforcement agency" means:***

47 ***(1) The sheriff's office of a county;***

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

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



* A B 3 1 9 R 3 *

1 **Sec. 11.3.** 1. *The department shall, in consultation with the boards*
2 *of trustees of school districts, the Nevada State Education Association, or*
3 *its successor, and local associations and organizations of parents whose*
4 *children are enrolled in public schools throughout this state, prepare and*
5 *publish a list of model alternative discipline programs for pupils that*
6 *have proven effective for use by elementary schools, middle schools,*
7 *junior high schools and high schools. In preparing the list, the*
8 *department shall:*

9 (a) *Consider the effectiveness of each model alternative discipline*
10 *program;*

11 (b) *Consider the disciplinary needs of schools located in urban areas*
12 *and the disciplinary needs of schools located in rural areas; and*

13 (c) *Designate the grade level of pupils for whom each model*
14 *alternative discipline program is designed.*

15 2. *Each school district shall adopt as many model alternative*
16 *discipline programs approved by the department as are necessary to*
17 *ensure that an appropriate model alternative discipline program is*
18 *available. Each school district shall ensure that each elementary school,*
19 *junior high school, middle school and high school within the school*
20 *district establishes an appropriate model alternative program.*

21 3. *A school district may budget for the model alternative discipline*
22 *programs carried out in the school district by including the costs of each*
23 *model alternative discipline program in the regular budget for the school*
24 *district.*

25 **Sec. 11.7.** 1. *A person shall not, through the use of any means of*
26 *oral, written or electronic communication, knowingly threaten to cause*
27 *bodily harm or death to a pupil or employee of a school district or charter*
28 *school with the intent to:*

29 (a) *Intimidate, frighten, alarm or distress a pupil or employee of a*
30 *school district or charter school;*

31 (b) *Cause panic or civil unrest; or*

32 (c) *Interfere with the operation of a public school, including, without*
33 *limitation, a charter school.*

34 2. *Unless a greater penalty is provided by specific statute, a person*
35 *who violates the provisions of subsection 1 is guilty of:*

36 (a) *A misdemeanor, unless the provisions of paragraph (b) apply to*
37 *the circumstances.*

38 (b) *A gross misdemeanor, if the threat causes:*

39 (1) *Any pupil or employee of a school district or charter school who*
40 *is the subject of the threat to be intimidated, frightened, alarmed or*
41 *distressed;*

42 (2) *Panic or civil unrest; or*

43 (3) *Interference with the operation of a public school, including,*
44 *without limitation, a charter school.*

45 3. *As used in this section, “oral, written or electronic*
46 *communication” includes, without limitation, any of the following:*

47 (a) *A letter, note or any other type of written correspondence.*

48 (b) *An item of mail or a package delivered by any person or postal or*
49 *delivery service.*



1 (c) A telegraph or wire service, or any other similar means of
2 communication.

3 (d) A telephone, cellular phone, satellite phone, page or facsimile
4 machine, or any other similar means of communication.

5 (e) A radio, television, cable, closed-circuit, wire, wireless, satellite or
6 other audio or video broadcast or transmission, or any other similar
7 means of communication.

8 (f) An audio or video recording or reproduction, or any other similar
9 means of communication.

10 (g) An item of electronic mail, a modem or computer network, or the
11 Internet, or any other similar means of communication.

12 **Sec. 12.** As used in sections 12 to 17, inclusive, of this act, unless the
13 context otherwise requires, "principal" means the principal of a school
14 or his designee.

15 **Sec. 13.** An action must not be taken pursuant to the provisions of
16 sections 12 to 17, inclusive, of this act against a pupil with a disability
17 who is participating in a program of special education pursuant to NRS
18 388.440 to 388.520, inclusive, unless the action complies with:

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

22 2. The Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101
23 et seq.;

24 3. Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;

25 and

26 4. Any other federal law applicable to children with disabilities.

27 **Sec. 14.** 1. A driver of a school bus may remove the privilege of a
28 pupil to ride any school bus if, in the judgment of the driver, the pupil
29 has engaged in behavior while on the school bus that is disruptive and
30 threatens the safety of the driver or the other pupils on the school bus, or
31 both, or otherwise seriously interferes with the ability of the driver to
32 drive the school bus.

33 2. Before a driver of a school bus removes the privilege of a pupil to
34 ride a school bus, the driver shall:

35 (a) Provide to the pupil an explanation of the reason for the removal
36 and offer an opportunity for the pupil to respond;

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

39 (c) Provide written documentation of the incident to the principal of
40 the school in which the pupil is enrolled.

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

44 (a) The parent or legal guardian of the pupil; and

45 (b) The person who supervises the driver.

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



* A B 3 1 9 R 3 *

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

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

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

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

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

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

Sec. 16. *1. The board of trustees of each school district shall establish a special committee on school bus transportation to review the removal of the privilege of a pupil to ride a school bus. Except as otherwise provided in this subsection, such a committee must consist of one person employed by the school district who drives a school bus, one person employed by the school district as an administrator and one person employed by the school district as a teacher. An administrator who is appointed to such a committee may designate a person who is employed by the school district as a supervisor of school bus*



* A B 3 1 9 R 3 *

1 *transportation to serve in the administrator's place on the committee.*
2 *One additional member who drives a school bus must be selected to serve*
3 *as an alternate member.*

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

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

23 **Sec. 18.** NRS 392.4644 is hereby amended to read as follows:

24 392.4644 *1.* The principal of each public school shall establish a plan
25 to provide for the progressive discipline of pupils and on-site review of
26 disciplinary decisions. The plan must:

27 ~~11-1~~ (a) Be developed with the input and participation of teachers *who*
28 *are employed at the school* and *the* parents *and guardians* of pupils who
29 are enrolled in the school.

30 ~~12-1~~ (b) Be consistent with the written rules of behavior prescribed in
31 accordance with NRS 392.463.

32 ~~13-1~~ (c) Include, without limitation, provisions designed to address the
33 specific disciplinary needs and concerns of the school.

34 ~~14-1~~ (d) Provide for the temporary removal of a pupil from a classroom
35 in accordance with NRS 392.4645.

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

40 *3. Except as otherwise provided in subsection 4, on or before October*
41 *1 of each year, the principal of each public school shall review the plan*
42 *in consultation with the teachers who are employed at the school. Based*
43 *upon the review, the principal shall make revisions to the plan, if*
44 *necessary. Except as otherwise provided in subsection 4, the principal of*
45 *each public school shall, on or before November 1 of each year, file with*
46 *the board of trustees of the school district a copy of the plan adopted*
47 *pursuant to this section, including, without limitation, any revisions to*
48 *the plan.*



* A B 3 1 9 R 3 *

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

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

9 (b) *Within 30 days after the letter of reprimand or letter of admonition*
10 *is issued pursuant to paragraph (a), his immediate supervisor may take*
11 *action against the principal pursuant to NRS 391.311 to 391.319,*
12 *inclusive.*

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

14 392.4647 1. The principal of each public school shall establish at
15 least one committee to review the temporary alternative placement of
16 pupils. A committee established pursuant to this section must consist of the
17 principal and two regular members who are teachers selected for
18 membership by a majority of the teachers who are employed at the school.
19 One additional teacher must be selected in the same manner to serve as an
20 alternate member. *The term of membership for the teachers who serve on*
21 *the committee is 2 school years.*

22 2. If a pupil is removed from the classroom pursuant to NRS 392.4645
23 by a teacher who is a member of a committee established pursuant to this
24 section, the teacher shall not participate in the review of the placement of
25 the pupil and the alternate member shall serve on the committee for that
26 review.

27 **Sec. 19.3.** NRS 392.480 is hereby amended to read as follows:

28 392.480 1. It is unlawful for any person to disturb the peace of any
29 public school by using vile or indecent language within the building or
30 grounds of the school. Any person who violates any of the provisions of
31 this subsection is guilty of a misdemeanor.

32 2. It is unlawful for any person to ~~threaten or~~ assault any pupil or
33 school employee:

34 (a) Within the building or grounds of the school;

35 (b) On a bus, van or any other motor vehicle owned, leased or chartered
36 by a school district to transport pupils or school employees; or

37 (c) At a location where the pupil or school employee is involved in an
38 activity sponsored by a public school.

39 Except under circumstances described in paragraph (c) of subsection 2 of
40 NRS 200.471 or in NRS 200.571, any person who violates any of the
41 provisions of this subsection is guilty of a misdemeanor.

42 3. It is unlawful for any person maliciously and purposely in any
43 manner to interfere with or disturb any persons peaceably assembled within
44 a building of a public school for school district purposes. Any person who
45 violates any of the provisions of this subsection is guilty of a misdemeanor.

46 4. For the purposes of this section "school employee" means any
47 licensed or unlicensed person employed by a board of trustees of a school
48 district pursuant to NRS 391.100.



1 **Sec. 19.7.** Chapter 394 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 1. *A person shall not, through the use of any means of oral, written*
4 *or electronic communication, knowingly threaten to cause bodily harm*
5 *or death to a pupil or employee of a private school with the intent to:*

6 (a) *Intimidate, frighten, alarm or distress a pupil or employee of a*
7 *private school;*

8 (b) *Cause panic or civil unrest; or*

9 (c) *Interfere with the operation of a private school.*

10 2. *Unless a greater penalty is provided by specific statute, a person*
11 *who violates the provisions of subsection 1 is guilty of:*

12 (a) *A misdemeanor, unless the provisions of paragraph (b) apply to*
13 *the circumstances.*

14 (b) *A gross misdemeanor, if the threat causes:*

15 (1) *Any pupil or employee of a private school who is the subject of*
16 *the threat to be intimidated, frightened, alarmed or distressed;*

17 (2) *Panic or civil unrest; or*

18 (3) *Interference with the operation of a private school.*

19 3. *As used in this section, “oral, written or electronic*
20 *communication” includes, without limitation, any of the following:*

21 (a) *A letter, note or any other type of written correspondence.*

22 (b) *An item of mail or a package delivered by any person or postal or*
23 *delivery service.*

24 (c) *A telegraph or wire service, or any other similar means of*
25 *communication.*

26 (d) *A telephone, cellular phone, satellite phone, page or facsimile*
27 *machine, or any other similar means of communication.*

28 (e) *A radio, television, cable, closed-circuit, wire, wireless, satellite or*
29 *other audio or video broadcast or transmission, or any other similar*
30 *means of communication.*

31 (f) *An audio or video recording or reproduction, or any other similar*
32 *means of communication.*

33 (g) *An item of electronic mail, a modem or computer network, or the*
34 *Internet, or any other similar means of communication.*

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

47 **Sec. 21.** On or before July 1, 2002, the department of education shall
48 develop an alternative high school proficiency examination for use in lieu
49 of the regular high school proficiency examination for pupils with



* A B 3 1 9 R 3 *

1 disabilities and pupils whose primary language is not English to receive a
2 standard diploma pursuant to section 6 of this act. The alternative high
3 school proficiency examination must be available for use commencing
4 with the 2002-2003 school year. The department may conduct selected
5 reviews of the alternative high school proficiency examination in the fall
6 semester of 2002.

7 **Sec. 22.** Notwithstanding the provisions of NRS 389.015 and this act
8 to the contrary, if a pupil who is classified as a senior in high school during
9 the 2000-2001 school year or the 2001-2002 school year, fulfilled the
10 requirements for a standard high school diploma except that he did not
11 receive a passing score on the high school proficiency examination on the
12 final administration of the examination in the applicable school year:

13 1. The school in which the pupil is enrolled shall allow the pupil to
14 participate in the graduation ceremony of his high school in 2001 or 2002,
15 as applicable; and

16 2. The pupil must be awarded a standard high school
17 diploma.

18 If such a pupil has been given a certificate of attendance before the
19 effective date of this act, he must be awarded a standard high school
20 diploma to replace the certificate of attendance.

21 **Sec. 23.** 1. On or before March 1, 2002, the department of education
22 shall prepare and publish a list of model alternative discipline programs for
23 pupils pursuant to section 11.3 of this act.

24 2. On or before November 1, 2002, each school district shall:

25 (a) Determine which model alternative discipline programs approved by
26 the department of education will be most effective in the school district;

27 (b) Adopt those model alternative discipline programs identified in
28 paragraph (a) that will be established by each elementary school, junior
29 high school, middle school and high school of the school district; and

30 (c) Notify the department of education of the model alternative
31 discipline programs adopted by the school district.

32 3. During the 2002-2003 school year, each school district shall plan
33 and budget for the implementation of the model alternative discipline
34 programs in the school district. A school district shall budget for the model
35 alternative discipline programs by:

36 (a) Eliminating the programs of discipline currently carried out in the
37 school district that do not comply with the model alternative discipline
38 programs and are not included on the list prepared by the department of
39 education; and

40 (b) Including the costs of the model alternative discipline programs
41 adopted by the school district in the budget of the school district.

42 4. Each school district shall ensure that the model alternative discipline
43 programs adopted by the school district are carried out not later than the
44 school year commencing in 2003.

45 **Sec. 24.** (Deleted by amendment.)

46 **Sec. 25.** The provisions of this act do not apply to offenses committed
47 before July 1, 2001.

48 **Sec. 26.** 1. This section and section 22 of this act become effective
49 upon passage and approval.



- 1 2. Sections 1 to 5, inclusive, 9 to 21, inclusive, 23, 24 and 25 of this
- 2 act become effective on July 1, 2001.
- 3 3. Section 8 of this act becomes effective at 12:01 a.m. on July 1,
- 4 2001.
- 5 4. Sections 6 and 7 of this act become effective on July 1, 2002.

