

ASSEMBLY BILL NO. 64—ASSEMBLYMAN HETTRICK (BY REQUEST)

FEBRUARY 6, 2001

Referred to Committee on Education

SUMMARY—Provides exemption for pupils from certain achievement and proficiency examinations upon request of parent. (BDR 34-163)

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

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the boards of trustees of school districts and the governing bodies of charter schools to exempt pupils from taking certain achievement and proficiency examinations administered in the public schools upon the request of a parent; requiring the state board of education to prescribe alternative criteria for the evaluation of pupils who are exempt from the examinations for promotion to the next higher grade and receipt of a high school diploma; providing that certain pupils may be retained more than one time in the same grade; and providing other matters properly relating thereto.

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

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



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



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



1 (v) For each school in the district and the district as a whole, including,  
2 without limitation, each charter school in the district, the number and  
3 percentage of pupils who did not receive a high school diploma because the  
4 pupils failed to pass the high school proficiency examination ~~or~~ *or failed to*  
5 *satisfy the alternative criteria for receipt of a high school diploma*  
6 *prescribed by the state board pursuant to subsection 10 of NRS 389.015.*

7 (w) The number of habitual truants who are reported to a school police  
8 officer or law enforcement agency pursuant to paragraph (a) of subsection  
9 2 of NRS 392.144 and the number of habitual truants who are referred to  
10 an advisory board to review school attendance pursuant to paragraph (b) of  
11 subsection 2 of NRS 392.144, for each school in the district and for the  
12 district as a whole.

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

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

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

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

25 4. The superintendent of public instruction shall:

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

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

31 (c) Consult with a representative of the:

32 (1) Nevada State Education Association;

33 (2) Nevada Association of School Boards;

34 (3) Nevada Association of School Administrators;

35 (4) Nevada Parent Teachers Association;

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

37 (6) Legislative counsel bureau,

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

40 5. The superintendent of public instruction may consult with  
41 representatives of parent groups other than the Nevada Parent Teachers  
42 Association concerning the program and consider any advice or  
43 recommendations submitted by the representatives with respect to the  
44 program.

45 6. On or before April 15 of each year, the board of trustees of each  
46 school district shall submit to each board to review school attendance  
47 created in the county pursuant to NRS 392.126 the information required in  
48 paragraph (g) of subsection 2.



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

2     385.389 1. The department shall adopt programs of remedial study  
3 for each subject tested on the examinations administered pursuant to NRS  
4 389.015. In adopting these programs of remedial study, the department  
5 shall consider the recommendations submitted by the committee pursuant  
6 to NRS 218.5354 and programs of remedial study that have proven to be  
7 successful in improving the academic achievement of pupils.

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

11     3. A school district that includes a school which receives a designation  
12 of demonstrating need for improvement pursuant to NRS 385.367 shall  
13 ensure that each of the pupils enrolled in the school who failed to  
14 demonstrate at least adequate achievement on the examinations  
15 administered pursuant to NRS 389.015 completes, in accordance with the  
16 requirements set forth in subsection ~~15~~ 6 of NRS 389.015, remedial study  
17 that is determined to be appropriate for the pupil.

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

19     389.015 1. The board of trustees of each school district shall  
20 administer examinations in all public schools of the school district. The  
21 governing body of a charter school shall administer the same examinations  
22 in the charter school. The examinations administered by the board of  
23 trustees and governing body must determine the achievement and  
24 proficiency of pupils in:

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

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

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

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

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

41     3. *At least 21 school days before the commencement of the*  
42 *administration of the achievement and proficiency examinations, the*  
43 *board of trustees of each school district and the governing body of each*  
44 *charter school shall provide written notice to the parent or legal guardian*  
45 *of each pupil enrolled in a public school of the school district or a*  
46 *charter school, as applicable, who is required to take the examinations of*  
47 *the date scheduled for the administration of the examinations and the*  
48 *provisions of this subsection. A parent or legal guardian of a pupil who*  
49 *would otherwise be required to take the achievement and proficiency*



1 *examinations may submit a written request to the board of trustees of the*  
2 *school district in which the pupil is enrolled or the governing body of the*  
3 *charter school in which the pupil is enrolled requesting that the board of*  
4 *trustees or the governing body exempt the pupil from taking the*  
5 *achievement and proficiency examinations administered at the pupil's*  
6 *grade level. Except as otherwise provided in this subsection, the written*  
7 *request must be submitted at least 5 school days before the*  
8 *commencement of the administration of the examinations and include a*  
9 *signed statement indicating that the parent or legal guardian*  
10 *understands and accepts full responsibility for the consequences that*  
11 *may result if his child does not take the examinations, including, without*  
12 *limitation, ineligibility for scholarships that may require passing scores*  
13 *on the achievement and proficiency examinations. Upon receipt of a*  
14 *timely and properly signed request, the board of trustees or the governing*  
15 *body shall exempt the pupil from taking the achievement and proficiency*  
16 *examinations administered at the grade level of the pupil. Such an*  
17 *exemption must be granted for all subject areas tested on the*  
18 *achievement and proficiency examinations and may not be granted for a*  
19 *particular subject area tested on the examinations. Such an exemption*  
20 *applies only to the examinations administered for the grade level of the*  
21 *pupil at the time that the exemption is granted. A request for an*  
22 *exemption from examinations administered for a grade level other than*  
23 *the grade level of the pupil at the time the request is submitted is void. A*  
24 *pupil who is exempt pursuant to this subsection:*

25 *(a) Must not be promoted to the next higher grade or receive a high*  
26 *school diploma, as applicable, unless he satisfies the alternative criteria*  
27 *for evaluation prescribed by the state board pursuant to subsection 10,*  
28 *except that he may receive a certificate of attendance in place of a*  
29 *diploma if he has reached the age of 17 years;*

30 *(b) Is not exempt from satisfying other requirements for promotion to*  
31 *the next higher grade or for a high school diploma, including, without*  
32 *limitation, the courses of study prescribed by the state board pursuant to*  
33 *NRS 392.033 and the minimum days of attendance prescribed by the*  
34 *board of trustees pursuant to NRS 392.122;*

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

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

44 *4. Not more than 14 working days after the results of the examinations*  
45 *are reported to the department by a private entity that scored the*  
46 *examinations or the department completes the scoring of the examinations,*  
47 *the superintendent of public instruction shall certify that the results of the*  
48 *examinations have been transmitted to each school district and each charter*  
49 *school. Not more than 10 working days after a school district receives the*



1 results of the examinations, the superintendent of schools of each school  
2 district shall certify that the results of the examinations have been  
3 transmitted to each school within the school district. Except as otherwise  
4 provided in this subsection, not more than 15 working days after each  
5 school receives the results of the examinations, the principal of each school  
6 and the governing body of each charter school shall certify that the results  
7 for each pupil have been provided to the parent or legal guardian of the  
8 pupil:

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

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

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

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

44 ~~15.1~~  
45 6. *Except as otherwise provided in subsection 3, if* a pupil fails to  
46 demonstrate at least adequate achievement on the examination  
47 administered before the completion of grade 4, 8 or 10, he may be  
48 promoted to the next higher grade, but the results of his examination must  
49 be evaluated to determine what remedial study is appropriate. If such a



1 pupil is enrolled at a school that has been designated as demonstrating need  
2 for improvement pursuant to NRS 385.367 the pupil must, in accordance  
3 with the requirements set forth in this subsection, complete remedial study  
4 that is determined to be appropriate for the pupil.

5 ~~16. 17~~

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

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

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

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

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

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

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

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

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

37 ~~18. 9.~~ The state board shall prescribe, in accordance with the  
38 Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., the  
39 modifications and accommodations that may be used in the administration  
40 of an examination to a pupil with a disability who is unable to take the  
41 examination under regular testing conditions or with modifications and  
42 accommodations that are approved by the private entity that created the  
43 examination or, if the department created the examination, by the  
44 department. These regulations may include, without limitation, authorizing  
45 a pupil to complete an examination with additional time.

46 *10. The state board shall prescribe alternative criteria for the*  
47 *evaluation of pupils who are exempt from taking the achievement and*  
48 *proficiency examinations pursuant to subsection 3. The criteria must set*  
49 *forth the standards that a pupil must satisfy to be promoted to the next*



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*higher grade or to receive a high school diploma and graduate from high school, as applicable. The criteria may include, without limitation, an evaluation of a pupil's work during the school year. The criteria must not require a pupil to take another examination in place of the examination from which he is exempt.*

**Sec. 4.** NRS 389.017 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

(d) Are detained in a:

(1) Youth training center;

(2) Youth center;

(3) Juvenile forestry camp;

(4) Detention home;

(5) Youth camp;

(6) Juvenile correctional institution; or

(7) Correctional institution.

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

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



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

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

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

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

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

27       (b) He is enrolled in a program of special education pursuant to NRS  
28 388.440 to 388.520, inclusive, and his program of special education  
29 specifies that he is exempt from taking the examinations ~~+~~; *or*

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

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

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

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

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

45       **Sec. 5.** NRS 392.125 is hereby amended to read as follows:

46       392.125 1. Except as otherwise provided in subsection 4, before any  
47 pupil enrolled in a public school may be retained in the same grade rather  
48 than promoted to the next higher grade for the succeeding school year, the  
49 pupil's teacher and principal must make a reasonable effort to arrange a



1 meeting and to meet with his parents or guardian to discuss the reasons and  
2 circumstances.

3 2. The teacher and the principal in joint agreement have the final  
4 authority to retain a pupil in the same grade for the succeeding school year.

5 3. ~~Not~~ *Except as otherwise provided in this subsection, no* pupil may  
6 be retained more than one time in the same grade. *The limitation set forth*  
7 *in this subsection does not apply to a pupil who:*

8 *(a) Is exempt from taking the achievement and proficiency*  
9 *examinations pursuant to subsection 3 of NRS 389.015 and fails to*  
10 *satisfy the alternative criteria for promotion prescribed by the state board*  
11 *pursuant to subsection 10 of NRS 389.015; or*

12 *(b) Has failed to complete the courses of study or credits required for*  
13 *promotion to high school prescribed pursuant to NRS 392.033.*

14 4. This section does not apply to the academic retention of pupils who  
15 are enrolled in a charter school.

16 **Sec. 6.** The state board of education shall prescribe alternative criteria  
17 for the evaluation of pupils who are exempt from taking the achievement  
18 and proficiency examinations in accordance with subsection 10 of section 3  
19 of this act on or before February 1, 2002, for applicability commencing  
20 with the 2002-2003 school year.

21 **Sec. 7.** 1. This section and section 6 of this act become effective on  
22 July 1, 2001.

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

25 3. Sections 1, 2, 4 and 5 of this act become effective on July 1, 2002.

