

SENATE BILL NO. 495—COMMITTEE ON FINANCE

(ON BEHALF OF DEPARTMENT OF ADMINISTRATION—BUDGET DIVISION)

MARCH 26, 2001

Referred to Committee on Finance

SUMMARY—Makes various changes to provisions governing achievement and proficiency examinations for administration in public and private schools. (BDR 34-1311)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: 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; requiring certain private schools to administer the high school proficiency examination; requiring certain pupils enrolled in private schools to pass the high school proficiency examination to receive a diploma and graduate; providing for the selection and administration of certain examinations to pupils enrolled in public schools; requiring the department of education to conduct a pilot program for the administration of alternative assessments to certain pupils whose primary language is not English; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 394 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *Each secondary educational institution that holds a***
4 ***license to operate issued pursuant to this section, NRS 394.201 to***
5 ***394.351, inclusive, and section 3 of this act shall administer the high***
6 ***school proficiency examination administered pursuant to NRS 389.015 to***
7 ***all pupils enrolled in the secondary educational institution in grades 11***
8 ***and 12, or the equivalent of those grades in a public school. The***
9 ***examination must be:***

10 ***(a) Administered at the same time as the high school proficiency***
11 ***examination is administered in each school district in this state;***

12 ***(b) Administered in accordance with the uniform procedures adopted***
13 ***by the board pursuant to paragraph (c) of subsection 2 of NRS 389.015;***
14 ***and***



1 (c) Scored in the same manner as the high school proficiency
2 examination is scored for the school districts in this state.

3 2. Each secondary educational institution that administers the high
4 school proficiency examination pursuant to subsection 1 shall report the
5 results of pupils on the examination in a format prescribed by the
6 department.

7 **Sec. 3.** 1. If a pupil who is enrolled in:

8 (a) A secondary educational institution that holds a license to operate
9 issued pursuant to this section, NRS 394.201 to 394.351, inclusive, and
10 section 2 of this act; and

11 (b) Grade 12, or the equivalent of that grade in a public
12 school,

13 the secondary educational institution in which the pupil is enrolled shall
14 not issue a diploma or other educational credential to the pupil or
15 otherwise allow the pupil to graduate from the secondary educational
16 institution unless the pupil has passed the high school proficiency
17 examination administered pursuant to section 2 of this act.

18 2. A pupil with a disability may:

19 (a) Take the high school proficiency examination under regular
20 testing conditions or with modifications and accommodations set forth in
21 NRS 389.015 and the regulations adopted pursuant thereto.

22 (b) Be exempt from taking the high school proficiency examination if
23 his program of special education specifies that he is exempt.

24 **Sec. 4.** NRS 394.201 is hereby amended to read as follows:

25 394.201 NRS 394.201 to 394.351, inclusive, *and sections 2 and 3 of*
26 *this act* may be cited as the Private Elementary and Secondary Education
27 Authorization Act.

28 **Sec. 5.** NRS 394.221 is hereby amended to read as follows:

29 394.221 1. The board shall:

30 (a) Adopt regulations governing the administration of the Private
31 Elementary and Secondary Education Authorization Act.

32 (b) Establish minimum criteria, in conformity with NRS 394.241, *and*
33 *sections 2 and 3 of this act*, which applicants for a license or agent's
34 permit must meet before a license or permit is issued. The criteria must be
35 sufficient to effectuate the purposes of the Private Elementary and
36 Secondary Education Authorization Act but not unreasonably hinder
37 legitimate educational innovation.

38 2. The superintendent shall administer the provisions of the Private
39 Elementary and Secondary Education Authorization Act in accordance
40 with the regulations of the board. He shall:

41 (a) Receive, investigate as necessary and act upon applications for
42 licenses and agents' permits.

43 (b) Maintain a list of agents and private elementary and secondary
44 education institutions authorized to operate in this state. The list ~~shall~~
45 *must* be available for the information of the public.

46 **Sec. 6.** NRS 394.241 is hereby amended to read as follows:

47 394.241 1. An elementary or secondary educational institution must
48 be maintained and operated, or a new institution must demonstrate that it



1 can be maintained and operated, in compliance with the following
2 minimum standards:

3 (a) The quality and content of each course of instruction, training or
4 study reasonably and adequately achieve the stated objective for which the
5 course or program is offered.

6 (b) The institution has adequate space, equipment, instructional
7 materials and personnel to provide education of good quality.

8 (c) The education and experience qualifications of directors,
9 administrators, supervisors and instructors reasonably ensure that the
10 students will receive education consistent with the objectives of the course
11 or program of study.

12 (d) The institution provides pupils and other interested persons with a
13 catalog or brochure containing information describing the grades or
14 programs offered, program objectives, length of school year or program,
15 schedule of tuition, fees and all other charges and expenses necessary for
16 completion of the course of study, cancellation and refund policies, and
17 such other material facts concerning the institution as are reasonably likely
18 to affect the decision of the parents or pupil to enroll in the institution,
19 together with any other disclosures specified by the superintendent or
20 defined in the regulations of the board, and the information is provided to
21 parents or prospective pupils before enrollment.

22 (e) ~~Upon satisfactory completion of training or instruction, the~~ A pupil
23 *enrolled in the institution* is given appropriate educational credentials by
24 the institution ~~indicating that the course of instruction or study has been~~
25 ~~satisfactorily completed.~~ :

26 (1) *Upon satisfactory completion of training or instruction.*

27 (2) *If he is enrolled in grade 12, or the equivalent of that grade in a*
28 *public school, upon satisfactory completion of training or instruction and*
29 *passage of the high school proficiency examination administered*
30 *pursuant to section 2 of this act.*

31 (f) Adequate records are maintained by the institution to show
32 attendance, progress and performance.

33 (g) The institution is maintained and operated in compliance with all
34 pertinent ordinances and laws, including regulations adopted relative to the
35 safety and health of all persons upon the premises.

36 (h) The institution is financially sound and capable of fulfilling its
37 commitments.

38 (i) Neither the institution nor its agents engage in advertising, sales,
39 collection, credit or other practices of any type which are false, deceptive,
40 misleading or unfair.

41 (j) The chief executive officer, trustees, directors, owners,
42 administrators, supervisors, staff, instructors and agents are of good
43 reputation and character.

44 (k) The pupil housing owned, maintained or approved by the institution,
45 if any, is appropriate, safe and adequate.

46 (l) The institution has a fair and equitable cancellation and refund
47 policy.

48 2. Accreditation by national or regional accrediting agencies
49 recognized by the United States Department of Education may be accepted



1 as evidence of compliance with the minimum standards established
2 pursuant to this section. Accreditation by a recognized, specialized
3 accrediting agency may be accepted as evidence of such compliance only
4 as to the portion or program of an institution accredited by the agency if the
5 institution as a whole is not accredited.

6 **Sec. 7.** The high school proficiency examination administered
7 pursuant to NRS 389.015 must be administered to pupils enrolled in
8 licensed secondary educational institutions in grade 11, or the equivalent of
9 that grade in a public school, pursuant to section 2 of this act commencing
10 with the 2003-2004 school year. A pupil enrolled in a licensed secondary
11 educational institution in grade 12, or the equivalent of that grade in a
12 public school, must not be required to pass the high school proficiency
13 examination pursuant to section 3 of this act until the 2004-2005 school
14 year.

15 **Sec. 8.** 1. On or before December 1, 2002, the state board of
16 education shall, pursuant to NRS 389.550, develop or purchase
17 examinations that measure the achievement and proficiency of pupils
18 enrolled in grade 8 on the standards of content and performance established
19 by the council to establish academic standards for public schools for
20 English, mathematics and science. The examinations must be scored by a
21 single private entity or the department of education.

22 2. The examinations must be administered to all pupils who are
23 required to take the examinations commencing in the spring semester of
24 2003. In the first year that the examinations are administered, the results of
25 the examinations must be used solely to gather information and data
26 concerning the examinations.

27 **Sec. 9.** The department of education shall:

28 1. Conduct a pilot program for the administration of alternative
29 assessments to pupils whose primary language is not English and whose
30 proficiency in the English language is below the level that the state board
31 of education determines is proficient.

32 2. Use the results of the pilot program to identify the alternative
33 assessments that are available and are proven effective in measuring the
34 achievement and proficiency of pupils whose primary language is not
35 English and whose proficiency in the English language is below the level
36 that the state board determines is proficient.

37 3. On or before February 1, 2003, submit a written report evaluating
38 the pilot program, including, without limitation, any recommendations for
39 legislation, to the director of the legislative counsel bureau for transmission
40 to the 72nd session of the legislature.

41 **Sec. 10.** 1. This section and sections 8 and 9 of this act become
42 effective on July 1, 2001.

43 2. Sections 1, 2, 4, 5 and 7 of this act become effective on July 1,
44 2003.

45 3. Sections 3 and 6 of this act become effective on July 1, 2004.

