

ASSEMBLY BILL NO. 154—COMMITTEE ON EDUCATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON EDUCATION)

MARCH 1, 2005

Referred to Concurrent Committees on Education
and Ways and Means

SUMMARY—Revises provisions governing statewide system of accountability for school districts and public schools and makes appropriations. (BDR 34-484)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; requiring the State Board of Education, the board of trustees of each school district and the principal of each public school to prepare an annual summary of accountability information for public dissemination; revising provisions governing the annual reports of accountability prepared by the State Board and each school district; revising the date to determine whether public schools that operate on certain alternative schedules have made adequate yearly progress; revising provisions governing the annual designations of public schools and school districts based upon yearly progress; revising the grade levels for certain writing examinations and science examinations; transferring money from the State Distributive School Account for programs of remedial study and for supplemental services or tutoring for certain schools and for pupils enrolled in certain schools; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Under existing law, the State Board of Education and the board of trustees of each school district must prepare and distribute an annual report of accountability. (NRS 385.3469, 385.347) Existing law allows a school or school district to appeal a designation of the school or district as demonstrating need for improvement. (NRS 385.366, 385.3771) Existing law requires certain portions of proficiency exams to be administered to pupils in certain grades. (Section 107 of chapter 1, Statutes of Nevada 2003, 19th Special Session, page 89)

This bill changes the requirements for the annual report of accountability and expands the school designations that may be appealed. This bill also makes changes to the proficiency exam requirements, including the grade levels for administering the writing and science proficiency exams. This bill provides funding for programs of remedial study and for tutorial programs in certain schools.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. 1. *The State Board shall prepare a written summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation:*

(a) The information required by paragraphs (a) to (h), inclusive, (k), (n), (x), (aa) and (ff) of subsection 1 of NRS 385.3469; and

(b) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. *The written summary prepared pursuant to subsection 1 must:*

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. *On or before September 7 of each year, the State Board shall:*

(a) Provide for public dissemination of the written summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the written summary to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;



- (5) Board of trustees of each school district; and
- (6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the school district or the charter school, as applicable, shall provide the parent or guardian with a written copy of the summary.

Sec. 3. 1. The board of trustees of each school district shall prepare a written summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The written summary must include, without limitation:

(a) The information required by paragraphs (b), (d), (g), (r), (u), (y), (z) and (bb) of subsection 2 of NRS 385.347 and subparagraph (1) of paragraph (f) of subsection 2 of NRS 385.347; and

(b) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The written summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit a copy of the written summary prepared pursuant to subsection 1 to the:

- (1) Governor;
- (2) State Board;
- (3) Department;



(4) Committee;

(5) Bureau;

(6) Schools within the school district, including, without limitation, each charter school in the district; and

(7) Parents and guardians of pupils enrolled in the schools in the district, including, without limitation, each charter school in the district.

(b) Provide for public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary by providing a copy of the summary to the residents of the district.

Sec. 4. 1. The principal of each public school, including, without limitation, each charter school, shall prepare a written summary of accountability information on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The written summary must include, without limitation:

(a) Pupil achievement for the school. The principal shall base the report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for the school as a whole and for each grade in which the examinations were administered:

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

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school;

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board;

(4) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board;

(5) The percentage of pupils who were not tested;



(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in subparagraph (3); and

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

↪ A separate reporting for a subgroup of pupils must not be made pursuant to this paragraph if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

(b) Information on the professional qualifications of teachers employed by the school, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed; and

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers.

(c) Records of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils enrolled in the school.

(d) If the school is a high school, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(e) Whether the school has made adequate yearly progress.

(f) Whether the school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(g) An identification of each program of remedial study used at the school that is purchased in whole or in part with money received from this State, if any, including, without limitation, the



1 *subject areas covered by the program and the amount of money*
2 *expended for the program.*

3 *(h) An identification of any special programs available for*
4 *pupils at the school.*

5 *(i) Such other information as is directed by the Superintendent*
6 *of Public Instruction in consultation with the Bureau.*

7 *2. The written summary prepared pursuant to subsection 1*
8 *must be presented in an understandable and uniform format and,*
9 *to the extent practicable, provided in a language that parents will*
10 *likely understand.*

11 *3. The Department shall prescribe a form that contains the*
12 *basic information required by subsection 1. The principal of a*
13 *school may use an expanded form that contains additions to the*
14 *form prescribed by the Department if the basic information*
15 *contained in the expanded form complies with the form prescribed*
16 *by the Department.*

17 *4. On or before September 7 of each year, the principal of*
18 *each public school shall submit a copy of the written summary*
19 *prepared pursuant to subsection 1 to the:*

20 *(a) Department;*

21 *(b) Bureau;*

22 *(c) Board of trustees of the school district in which the school*
23 *is located; and*

24 *(d) Parents and guardians of pupils enrolled in the school.*

25 **Sec. 5.** *In addition to the designation of a public school*
26 *pursuant to NRS 385.366, the board of trustees of a school district*
27 *or the Department, as applicable, shall recognize a school as*
28 *significantly improved if the school was designated as*
29 *demonstrating need for improvement and within 3 consecutive*
30 *years after the school received that designation, the school is*
31 *designated as demonstrating exemplary achievement or high*
32 *achievement.*

33 **Sec. 6.** *In addition to the designation of a school district*
34 *pursuant to NRS 385.3771, the Department shall recognize a*
35 *school district as significantly improved if the school district was*
36 *designated as demonstrating need for improvement and within*
37 *3 consecutive years after the school district received that*
38 *designation, the school district is designated as demonstrating*
39 *exemplary achievement or high achievement.*

40 **Sec. 7.** NRS 385.3455 is hereby amended to read as follows:

41 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*
42 *sections 2 to 6, inclusive, of this act,* unless the context otherwise
43 requires, the words and terms defined in NRS 385.346 to
44 385.34675, inclusive, have the meanings ascribed to them in those
45 sections.



Sec. 8. NRS 385.3468 is hereby amended to read as follows:

385.3468 The provisions of NRS 385.3455 to 385.391, inclusive, *and sections 2 to 6, inclusive, of this act* do not supersede, negate or otherwise limit the effect or application of the provisions of chapters 288 and 391 of NRS or the rights, remedies and procedures afforded to employees of a school district under the terms of collective bargaining agreements, memoranda of understanding or other such agreements between employees and their employers.

Sec. 9. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following subgroups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each subgroup identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the subgroups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.



(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers; and

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph, means schools in the top quartile of poverty and the bottom quartile of poverty in this State.



(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, excluding pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school



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

3 (u) The number of pupils in each grade who are retained in the
4 same grade pursuant to NRS 392.033 or 392.125, reported for each
5 school district, including, without limitation, each charter school in
6 the district, and for this State as a whole.

7 (v) The transiency rate of pupils, reported for each school
8 district, including, without limitation, each charter school in the
9 district, and for this State as a whole. For the purposes of this
10 paragraph, a pupil is not a transient if he is transferred to a different
11 school within the school district as a result of a change in the zone
12 of attendance by the board of trustees of the school district pursuant
13 to NRS 388.040.

14 (w) Each source of funding for this State to be used for the
15 system of public education.

16 (x) *A compilation of the programs of remedial study purchased*
17 *in whole or in part with money received from this State that are*
18 *used in each school district, including, without limitation, each*
19 *charter school in the district. The compilation must include:*

20 (1) The amount and sources of money received ~~[by this~~
21 ~~State]~~ for *programs of remedial [education.] study.*

22 (2) *An identification of each program of remedial study,*
23 *listed by subject area.*

24 (y) The percentage of pupils who graduated from a high school
25 or charter school in the immediately preceding year and enrolled in
26 remedial courses in reading, writing or mathematics at a university
27 or community college within the University and Community
28 College System of Nevada, reported for each school district,
29 including, without limitation, each charter school in the district, and
30 for this State as a whole.

31 (z) The technological facilities and equipment available for
32 educational purposes, reported for each school district, including,
33 without limitation, each charter school in the district, and for this
34 State as a whole.

35 (aa) For each school district, including, without limitation, each
36 charter school in the district, and for this State as a whole, the
37 number and percentage of pupils who received:

38 (1) A standard high school diploma.

39 (2) An adjusted diploma.

40 (3) A certificate of attendance.

41 (bb) The number and percentage of pupils who did not receive a
42 high school diploma because the pupils failed to pass the high
43 school proficiency examination, reported for each school district,
44 including, without limitation, each charter school in the district, and
45 for this State as a whole.



(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

2. A separate reporting for a subgroup of pupils must not be made pursuant to this section if the number of pupils in that subgroup is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a subgroup for that subgroup to yield statistically reliable information.

3. The annual report of accountability must:

(a) ~~Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;~~

~~(b)}~~ Be prepared in a concise manner; and

~~(c)}~~ (b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall ~~provide~~:



(a) *Provide* for public dissemination of the annual report of accountability *by posting a copy of the report on the Internet website maintained by the Department;* and ~~[submit a copy of]~~

(b) *Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided* to the:

~~[(a) Governor;~~

~~—(b) Committee;~~

~~—(c) Bureau;~~

~~—(d)] (1) Governor;~~

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

~~[(e)] (5) Board of trustees of each school district; and~~

~~[(f)] (6) Governing body of each charter school.~~

5. *Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.*

6. As used in this section:

(a) “Highly qualified” has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) “Paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 10. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of a school district shall report the information required by subsection 2 for each charter school within the school district, regardless of the sponsor of the charter school.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

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

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those



1 examinations for the current school year with those of previous
2 school years. The report must include, for each school in the district,
3 including, without limitation, each charter school in the district, and
4 each grade in which the examinations were administered:

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

6 (2) ~~[(An explanation of instances in which a school was~~
7 ~~exempt from administering or a pupil was exempt from taking an~~
8 ~~examination;~~

9 ~~—(3)]~~ A record of attendance for the period in which the
10 examinations were administered, including an explanation of any
11 difference in the number of pupils who took the examinations and
12 the number of pupils who are enrolled in the school;

13 ~~[(4)]~~ (3) Except as otherwise provided in this paragraph,
14 pupil achievement, reported separately by gender and reported
15 separately for the following subgroups of pupils:

16 (I) Pupils who are economically disadvantaged, as
17 defined by the State Board;

18 (II) Pupils from major racial and ethnic groups, as defined
19 by the State Board;

20 (III) Pupils with disabilities;

21 (IV) Pupils who are limited English proficient; and

22 (V) Pupils who are migratory children, as defined by the
23 State Board;

24 ~~[(5)]~~ (4) A comparison of the achievement of pupils in each
25 subgroup identified in paragraph (b) of subsection 1 of NRS
26 385.361 with the annual measurable objectives of the State Board;

27 ~~[(6)]~~ (5) The percentage of pupils who were not tested;

28 ~~[(7)]~~ (6) Except as otherwise provided in this paragraph, the
29 percentage of pupils who were not tested, reported separately by
30 gender and reported separately for the subgroups identified in
31 subparagraph ~~[(4)]~~ (3);

32 ~~[(8)]~~ (7) The most recent 3-year trend in pupil achievement
33 in each subject area tested and each grade level tested pursuant to
34 NRS 389.015 and 389.550, which may include information
35 regarding the trend in the achievement of pupils for more than
36 3 years, if such information is available;

37 ~~[(9)]~~ (8) Information that compares the results of pupils in
38 the school district, including, without limitation, pupils enrolled in
39 charter schools in the district, with the results of pupils throughout
40 this State. The information required by this subparagraph must be
41 provided in consultation with the Department to ensure the accuracy
42 of the comparison; and

43 ~~[(10)]~~ (9) For each school in the district, including, without
44 limitation, each charter school in the district, information that
45 compares the results of pupils in the school with the results of pupils



1 throughout the school district and throughout this State. The
2 information required by this subparagraph must be provided in
3 consultation with the Department to ensure the accuracy of the
4 comparison.

5 ➤ A separate reporting for a subgroup of pupils must not be made
6 pursuant to this paragraph if the number of pupils in that subgroup is
7 insufficient to yield statistically reliable information or the results
8 would reveal personally identifiable information about an individual
9 pupil. The State Board shall prescribe the mechanism for
10 determining the minimum number of pupils that must be in a
11 subgroup for that subgroup to yield statistically reliable information.

12 (c) The ratio of pupils to teachers in kindergarten and at each
13 grade level for each elementary school in the district and the district
14 as a whole, including, without limitation, each charter school in the
15 district, and the average class size for each core academic subject, as
16 set forth in NRS 389.018, for each secondary school in the district
17 and the district as a whole, including, without limitation, each
18 charter school in the district.

19 (d) Information on the professional qualifications of teachers
20 employed by each school in the district and the district as a whole,
21 including, without limitation, each charter school in the district. The
22 information must include, without limitation:

23 (1) The percentage of teachers who are:

24 (I) Providing instruction pursuant to NRS 391.125;

25 (II) Providing instruction pursuant to a waiver of the
26 requirements for licensure for the grade level or subject area in
27 which the teachers are employed; or

28 (III) Otherwise providing instruction without an
29 endorsement for the subject area in which the teachers are
30 employed;

31 (2) The percentage of classes in the core academic subjects,
32 as set forth in NRS 389.018, that are not taught by highly qualified
33 teachers; and

34 (3) The percentage of classes in the core academic subjects,
35 as set forth in NRS 389.018, that are not taught by highly qualified
36 teachers, in the aggregate and disaggregated by high-poverty
37 compared to low-poverty schools, which for the purposes of this
38 subparagraph, means schools in the top quartile of poverty and the
39 bottom quartile of poverty in this State.

40 (e) The total expenditure per pupil for each school in the district
41 and the district as a whole, including, without limitation, each
42 charter school in the district. If this State has a financial analysis
43 program that is designed to track educational expenditures and
44 revenues to individual schools, each school district shall use that
45 statewide program in complying with this paragraph. If a statewide



1 program is not available, each school district shall use its own
2 financial analysis program in complying with this paragraph.

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

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

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

8 (g) Records of the attendance and truancy of pupils in all grades,
9 including, without limitation:

10 (1) The average daily attendance of pupils, for each school in
11 the district and the district as a whole, including, without limitation,
12 each charter school in the district.

13 (2) For each elementary school, middle school and junior
14 high school in the district, including, without limitation, each charter
15 school in the district that provides instruction to pupils enrolled in a
16 grade level other than high school, information that compares the
17 attendance of the pupils enrolled in the school with the attendance of
18 pupils throughout the district and throughout this State. The
19 information required by this subparagraph must be provided in
20 consultation with the Department to ensure the accuracy of the
21 comparison.

22 (h) The annual rate of pupils who drop out of school in grades
23 9 to 12, inclusive, for each such grade, for each school in the district
24 and for the district as a whole, excluding pupils who:

25 (1) Provide proof to the school district of successful
26 completion of the examinations of general educational development.

27 (2) Are enrolled in courses that are approved by the
28 Department as meeting the requirements for an adult standard
29 diploma.

30 (3) Withdraw from school to attend another school.

31 (i) Records of attendance of teachers who provide instruction,
32 for each school in the district and the district as a whole, including,
33 without limitation, each charter school in the district.

34 (j) Efforts made by the school district and by each school in the
35 district, including, without limitation, each charter school in the
36 district, to increase:

37 (1) Communication with the parents of pupils in the district;
38 and

39 (2) The participation of parents in the educational process
40 and activities relating to the school district and each school,
41 including, without limitation, the existence of parent organizations
42 and school advisory committees.

43 (k) Records of incidents involving weapons or violence for each
44 school in the district, including, without limitation, each charter
45 school in the district.



(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

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

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

(r) *A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The compilation must include:*

(1) The amount and sources of money received for *programs of remedial [education] study* for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) *An identification of each program of remedial study, listed by subject area.*

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

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



1 (u) For each school in the district and the district as a whole,
2 including, without limitation, each charter school in the district, the
3 number and percentage of pupils who received:

4 (1) A standard high school diploma.

5 (2) An adjusted diploma.

6 (3) A certificate of attendance.

7 (v) For each school in the district and the district as a whole,
8 including, without limitation, each charter school in the district, the
9 number and percentage of pupils who did not receive a high school
10 diploma because the pupils failed to pass the high school
11 proficiency examination.

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

18 (x) The amount and sources of money received for the training
19 and professional development of teachers and other educational
20 personnel for each school in the district and for the district as a
21 whole, including, without limitation, each charter school in the
22 district.

23 (y) Whether the school district has made adequate yearly
24 progress. If the school district has been designated as demonstrating
25 need for improvement pursuant to NRS 385.377, the report must
26 include a statement indicating the number of consecutive years the
27 school district has carried that designation.

28 (z) Information on whether each public school in the district,
29 including, without limitation, each charter school in the district, has
30 made adequate yearly progress, including, without limitation:

31 (1) The number and percentage of schools in the district, if
32 any, that have been designated as needing improvement pursuant to
33 NRS 385.3623; and

34 (2) The name of each school, if any, in the district that has
35 been designated as needing improvement pursuant to NRS 385.3623
36 and the number of consecutive years that the school has carried that
37 designation.

38 (aa) Information on the paraprofessionals employed by each
39 public school in the district, including, without limitation, each
40 charter school in the district. The information must include:

41 (1) The number of paraprofessionals employed at the school;
42 and

43 (2) The number and percentage of all paraprofessionals who
44 do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The
45 reporting requirements of this subparagraph apply to



1 paraprofessionals who are employed in positions supported with
2 Title I money and to paraprofessionals who are not employed in
3 positions supported with Title I money.

4 (bb) For each high school in the district, including, without
5 limitation, each charter school that operates as a high school,
6 information that provides a comparison of the rate of graduation of
7 pupils enrolled in the high school with the rate of graduation of
8 pupils throughout the district and throughout this State. The
9 information required by this paragraph must be provided in
10 consultation with the Department to ensure the accuracy of the
11 comparison.

12 (cc) An identification of the appropriations made by the
13 Legislature that are available to the school district or the schools
14 within the district and programs approved by the Legislature to
15 improve the academic achievement of pupils.

16 (dd) Such other information as is directed by the Superintendent
17 of Public Instruction.

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

25 (a) Acquisition of knowledge or skills relating to the
26 professional development of the teacher; or

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

29 4. The annual report of accountability prepared pursuant to
30 subsection 2 must ~~be~~:

31 ~~—(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations~~
32 ~~adopted pursuant thereto; and~~

33 ~~—(b) Be~~ *be* presented in an understandable and uniform format
34 and , to the extent practicable, provided in a language that parents
35 can understand.

36 5. The Superintendent of Public Instruction shall:

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

39 (b) Provide statistical information and technical assistance to the
40 school districts to ensure that the reports provide comparable
41 information with respect to each school in each district and among
42 the districts throughout this State.

43 (c) Consult with a representative of the:

44 (1) Nevada State Education Association;

45 (2) Nevada Association of School Boards;



- 1 (3) Nevada Association of School Administrators;
- 2 (4) Nevada Parent Teacher Association;
- 3 (5) Budget Division of the Department of Administration;
- 4 and

5 (6) Legislative Counsel Bureau,
6 ➤ concerning the program and consider any advice or
7 recommendations submitted by the representatives with respect to
8 the program.

9 6. The Superintendent of Public Instruction may consult with
10 representatives of parent groups other than the Nevada Parent
11 Teacher Association concerning the program and consider any
12 advice or recommendations submitted by the representatives with
13 respect to the program.

14 7. On or before ~~April 1~~ **August 15** of each year, the board of
15 trustees of each school district shall submit to:

16 (a) Each advisory board to review school attendance created in
17 the county pursuant to NRS 392.126 the information required in
18 paragraph (g) of subsection 2.

19 (b) The Commission on Educational Technology created by
20 NRS 388.790 the information prepared by the board of trustees
21 pursuant to paragraph (t) of subsection 2.

22 8. On or before August 15 of each year, the board of trustees of
23 each school district shall:

24 (a) ~~Submit~~ **Provide written notice that** the report required
25 pursuant to subsection 2 **is available on the Internet website**
26 ***maintained by the school district, if any, or otherwise provide***
27 ***written notice of the availability of the report. The written notice***
28 ***must be provided*** to the:

- 29 (1) Governor;
- 30 (2) State Board;
- 31 (3) Department;
- 32 (4) Committee; and
- 33 (5) Bureau.

34 (b) Provide for public dissemination of the annual report of
35 accountability prepared pursuant to subsection 2 ~~in the manner set~~
36 ~~forth in 20 U.S.C. § 6311(h)(2)(E)~~ **by posting a copy of the report**
37 ***on the Internet website maintained by the school district, if any. If***
38 ***a school district does not maintain a website, the district shall***
39 ***otherwise provide for public dissemination of the annual report by***
40 ***providing a copy of the report*** to the schools in the school district,
41 including, without limitation, each charter school in the district, the
42 residents of the district, and the parents and guardians of pupils
43 enrolled in schools in the district, including, without limitation, each
44 charter school in the district.



1 9. *Upon the request of the Governor, an entity described in*
2 *paragraph (a) of subsection 8 or a member of the general public,*
3 *the board of trustees of a school district shall provide a portion or*
4 *portions of the report required pursuant to subsection 2.*

5 10. As used in this section:

6 (a) "Highly qualified" has the meaning ascribed to it in 20
7 U.S.C. § 7801(23).

8 (b) "Paraprofessional" has the meaning ascribed to it in
9 NRS 391.008.

10 **Sec. 11.** NRS 385.3613 is hereby amended to read as follows:

11 385.3613 1. ~~On~~ *Except as otherwise provided in*
12 *subsection 2, on* or before June 15 of each year, the Department
13 shall determine whether each public school is making adequate
14 yearly progress, as defined by the State Board pursuant to
15 NRS 385.361.

16 2. *On or before June 30 of each year, the Department shall*
17 *determine whether each public school that operates on a schedule*
18 *other than a traditional 9-month schedule is making adequate*
19 *yearly progress, as defined by the State Board pursuant to*
20 *NRS 385.361.*

21 3. The determination *pursuant to subsection 1 or 2, as*
22 *applicable*, for a public school, including, without limitation, a
23 charter school sponsored by the board of trustees of the school
24 district, must be made in consultation with the board of trustees of
25 the school district in which the public school is located. If a charter
26 school is sponsored by the State Board, the Department shall make a
27 determination for the charter school in consultation with the State
28 Board. The determination made for each school must be based only
29 upon the information and data for those pupils who are enrolled in
30 the school for a full academic year. On or before June 15 *or June 30*
31 of each year, *as applicable*, the Department shall transmit:

32 (a) Except as otherwise provided in paragraph (b), the
33 determination made for each public school to the board of trustees
34 of the school district in which the public school is located.

35 (b) To the State Board the determination made for each charter
36 school that is sponsored by the State Board.

37 ~~2-2~~ 4. Except as otherwise provided in this subsection, the
38 Department shall determine that a public school has failed to make
39 adequate yearly progress if any subgroup identified in paragraph (b)
40 of subsection 1 of NRS 385.361 does not satisfy the annual
41 measurable objectives established by the State Board pursuant to
42 that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the
43 regulations adopted pursuant thereto, the State Board shall prescribe
44 by regulation the conditions under which a school shall be deemed
45 to have made adequate yearly progress even though a subgroup



1 identified in paragraph (b) of subsection 1 of NRS 385.361 did not
2 satisfy the annual measurable objectives of the State Board.

3 ~~[3-]~~ 5. In addition to the provisions of subsection ~~[2-]~~ 4, the
4 Department shall determine that a public school has failed to make
5 adequate yearly progress if:

6 (a) The number of pupils enrolled in the school who took the
7 examinations administered pursuant to NRS 389.550 or the high
8 school proficiency examination, as applicable, is less than
9 95 percent of all pupils enrolled in the school who were required to
10 take the examinations; or

11 (b) Except as otherwise provided in subsection ~~[4-]~~ 6, for each
12 subgroup of pupils identified in paragraph (b) of subsection 1 of
13 NRS 385.361, the number of pupils in the subgroup enrolled in the
14 school who took the examinations administered pursuant to NRS
15 389.550 or the high school proficiency examination, as applicable,
16 is less than 95 percent of all pupils in that subgroup enrolled in the
17 school who were required to take the examinations.

18 ~~[4-]~~ 6. If the number of pupils in a particular subgroup who are
19 enrolled in a public school is insufficient to yield statistically
20 reliable information:

21 (a) The Department shall not determine that the school has
22 failed to make adequate yearly progress pursuant to paragraph (b) of
23 subsection ~~[3-]~~ 5 based solely upon that particular subgroup.

24 (b) The pupils in such a subgroup must be included in the
25 overall count of pupils enrolled in the school who took the
26 examinations.

27 ➔ The State Board shall prescribe the mechanism for determining
28 the number of pupils that must be in a subgroup for that subgroup to
29 yield statistically reliable information.

30 ~~[5-]~~ 7. If an irregularity in testing administration or an
31 irregularity in testing security occurs at a school and the irregularity
32 invalidates the test scores of pupils, those test scores must ~~[not]~~ be
33 included in the scores of pupils reported for the school, ~~[and]~~ the
34 attendance of those pupils must ~~[not]~~ be counted towards the total
35 number of pupils who took the examinations ~~[, but]~~ *and the pupils*
36 must be included in the total number of pupils who were required to
37 take the examinations. ~~[If the pupils take an additional~~
38 ~~administration of the examinations during the same school year, the~~
39 ~~scores of pupils on those examinations must not be included in the~~
40 ~~scores of pupils reported for the school.~~

41 ~~—6-]~~ 8. As used in this section:

42 (a) “Irregularity in testing administration” has the meaning
43 ascribed to it in NRS 389.604.

44 (b) “Irregularity in testing security” has the meaning ascribed to
45 it in NRS 389.608.



1 **Sec. 12.** NRS 385.3622 is hereby amended to read as follows:

2 385.3622 If the Department determines that a public school has
3 failed to make adequate yearly progress pursuant to subsection ~~3~~ 5
4 of NRS 385.3613:

5 1. The Department or its designee shall, to the extent money is
6 available, monitor at the school the administration of the
7 examinations that are required pursuant to NRS 389.550 and ensure
8 that all eligible pupils who are in attendance on the day of the
9 administration of the examinations are given an opportunity to take
10 the examinations until the percentage of pupils who take the
11 examinations is 95 percent or more of all pupils enrolled in the
12 school who are required to take the examinations.

13 2. The school is not required to adopt a program of remedial
14 study pursuant to NRS 385.389 and is not eligible to receive money
15 for remedial programs made available by legislative appropriation
16 for the purposes of NRS 385.389.

17 **Sec. 13.** NRS 385.366 is hereby amended to read as follows:

18 385.366 1. Based upon the information received from the
19 Department pursuant to NRS 385.3613, the board of trustees of each
20 school district shall, ~~{designate,}~~ on or before July 1 of each year,
21 *issue a preliminary designation for* each public school in the school
22 district in accordance with *the criteria set forth in* NRS 385.3623,
23 excluding charter schools sponsored by the State Board. The board
24 of trustees shall make *preliminary* designations for all charter
25 schools that are sponsored by the board of trustees. The Department
26 shall make *preliminary* designations for all charter schools that are
27 sponsored by the State Board. The initial designation of a school as
28 demonstrating need for improvement must be based upon
29 2 consecutive years of data and information for that school.

30 2. ~~{If the board of trustees of a school district or the~~
31 ~~Department, as applicable, determines that a public school is~~
32 ~~demonstrating need for improvement, the board of trustees or the~~
33 ~~Department shall issue a preliminary designation for that school on~~
34 ~~or before July 1.}~~ Before making a final designation for ~~{the}~~ *a*
35 school, the board of trustees of the school district or the Department,
36 as applicable, shall provide the school an opportunity to review the
37 data upon which the ~~{proposed}~~ *preliminary* designation is based
38 and to present evidence in the manner set forth in 20 U.S.C.
39 § 6316(b)(2) and the regulations adopted pursuant thereto. If the
40 school is a public school of the school district or a charter school
41 sponsored by the board of trustees, the board of trustees of the
42 school district shall, in consultation with the Department, make a
43 final determination concerning the designation for the school on
44 August 1. If the school is a charter school sponsored by the State



1 Board, the Department shall make a final determination concerning
2 the designation for the school on August 1.

3 3. On or before August 1 of each year, the Department shall
4 provide written notice of the determinations made pursuant to NRS
5 385.3613 and the *final* designations made pursuant to this section as
6 follows:

7 (a) The determinations and *final* designations made for all
8 schools in this State to the:

- 9 (1) Governor;
10 (2) State Board;
11 (3) Committee; and
12 (4) Bureau.

13 (b) The determinations and *final* designations made for all
14 schools within a school district to the:

- 15 (1) Superintendent of schools of the school district; and
16 (2) Board of trustees of the school district.

17 (c) The determination and *final* designation made for each
18 school to the principal of the school.

19 **Sec. 14.** NRS 385.3771 is hereby amended to read as follows:

20 385.3771 1. The Department shall, ~~[designate,]~~ on or before
21 July 1 of each year, *issue a preliminary designation for* each school
22 district pursuant to NRS 385.377. The initial designation of a school
23 district as demonstrating need for improvement must be based upon
24 2 consecutive years of data and information for that school district.

25 2. ~~[If the Department determines that a school district is~~
26 ~~demonstrating need for improvement, the Department shall issue a~~
27 ~~preliminary designation for that school district on July 1.]~~ Before
28 making a final designation for a school district, the Department shall
29 provide the school district an opportunity to review the data upon
30 which the ~~[proposed]~~ *preliminary* designation is based and to
31 present evidence in the manner set forth in 20 U.S.C. § 6316(c)(5)
32 and the regulations adopted pursuant thereto. Not later than
33 August 1, the Department shall make a final determination
34 concerning the designation of the school district.

35 3. On or before August 1 of each year, the Department shall
36 provide written notice of the determinations made pursuant to NRS
37 385.3762 and the final designations made pursuant to this section as
38 follows:

39 (a) The determinations and *final* designations made for all
40 school districts in this State to the:

- 41 (1) Governor;
42 (2) State Board;
43 (3) Committee; and
44 (4) Bureau.



(b) The determination and *final* designation made for a school district to the:

- (1) Superintendent of schools of the school district; and
- (2) Board of trustees of the school district.

4. On or before August 1 of each year, the Department shall make public the results of the review of school districts pursuant to this section and disseminate the results to school personnel, parents and guardians, pupils and members of the general public. The publication and distribution must be made in the manner set forth in 20 U.S.C. § 6316(c)(1) and the regulations adopted pursuant thereto.

Sec. 15. NRS 389.550 is hereby amended to read as follows:

389.550 1. The State Board shall, in consultation with the Council, prescribe examinations that comply with 20 U.S.C. § 6311(b)(3) and that measure the achievement and proficiency of pupils:

(a) For grades 3, 4, 5, 6, 7 and 8 in the standards of content established by the Council for the subjects of English and mathematics.

(b) For grades 5 and 8, in the standards of content established by the Council for the subject of science.

➔ The examinations prescribed pursuant to this subsection must be written, developed, printed and scored by a nationally recognized testing company.

2. In addition to the examinations prescribed pursuant to subsection 1, the State Board shall, in consultation with the Council, prescribe a writing examination for grades ~~4~~ 5 and 8 and for the high school proficiency examination.

3. The board of trustees of each school district and the governing body of each charter school shall administer the examinations prescribed by the State Board. The examinations must be:

(a) Administered to pupils in each school district and each charter school at the same time during the spring semester, as prescribed by the State Board.

(b) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the school districts and individual schools to ensure compliance with the uniform procedures.

(c) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

- (1) The plan adopted by the Department; and



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

Sec. 16. NRS 389.632 is hereby amended to read as follows:

389.632 1. ~~Except as otherwise provided in subsection 8, if~~ *If* the Department determines:

(a) That at least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;

(b) That in the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

↳ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.

2. If the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,



1 ↪ the Department shall notify the school and the school district in
2 which the school is located that the school is required to provide for
3 an additional administration of the examinations to pupils who are
4 enrolled in a grade that is required to take the examinations pursuant
5 to NRS 389.550 or to the pupils the Department determines must
6 take the additional administration pursuant to subsection 6. The
7 additional administration must occur in the same school year in
8 which the irregularity described in paragraph (b) occurred. The
9 school district shall pay for all costs related to the administration of
10 examinations pursuant to this subsection.

11 3. If the Department determines that:

12 (a) At least one irregularity in testing administration occurred at
13 a school, including, without limitation, a charter school, during 1
14 school year on the examinations administered pursuant to NRS
15 389.015, excluding the high school proficiency examination;

16 (b) In the immediately succeeding school year, at least one
17 additional irregularity in testing administration occurred at that
18 school on the examinations administered pursuant to NRS 389.550;
19 and

20 (c) Based upon the criteria set forth in subsection 5, that the
21 irregularities described in paragraphs (a) and (b) warrant an
22 additional administration of the examinations,

23 ↪ the Department shall notify the school and the school district in
24 which the school is located that the school is required to provide for
25 an additional administration of the examinations to pupils who are
26 enrolled in a grade that is required to take the examinations pursuant
27 to NRS 389.550 or to the pupils the Department determines must
28 take the additional administration pursuant to subsection 6. The
29 additional administration must occur in the same school year in
30 which the irregularity described in paragraph (b) occurred. The
31 school district shall pay for all costs related to the administration of
32 examinations pursuant to this subsection.

33 4. ~~{Except as otherwise provided in subsection 8, if}~~ **If** the
34 Department determines that:

35 (a) At least one irregularity in testing administration occurred at
36 a school, including, without limitation, a charter school, during 1
37 school year on the examinations administered pursuant to
38 NRS 389.550;

39 (b) In the immediately succeeding school year, at least one
40 additional irregularity in testing administration occurred at that
41 school on the examinations administered pursuant to NRS 389.015,
42 excluding the high school proficiency examination; and

43 (c) Based upon the criteria set forth in subsection 5, that the
44 irregularities described in paragraphs (a) and (b) warrant an
45 additional administration of the examinations,



1 ↳ the Department shall notify the school and the school district in
2 which the school is located that the school is required to provide for
3 an additional administration of the examinations to pupils who are
4 enrolled in a grade that is required to take the examinations pursuant
5 to NRS 389.015, excluding the high school proficiency
6 examination, or to the pupils the Department determines must take
7 the additional administration pursuant to subsection 6. The
8 additional administration must occur in the same school year in
9 which the irregularity described in paragraph (b) occurred. The
10 school district shall pay for all costs related to the administration of
11 examinations pursuant to this subsection.

12 5. In determining whether to require a school to provide for an
13 additional administration of examinations pursuant to this section,
14 the Department shall consider:

15 (a) The effect of each irregularity in testing administration,
16 including, without limitation, whether the irregularity required the
17 scores of pupils to be invalidated; and

18 (b) Whether sufficient time remains in the school year to
19 provide for an additional administration of examinations.

20 6. If the Department determines pursuant to subsection 5 that a
21 school must provide for an additional administration of
22 examinations, the Department may consider whether the most recent
23 irregularity in testing administration affected the test scores of a
24 limited number of pupils and require the school to provide an
25 additional administration of examinations pursuant to this section
26 only to those pupils whose test scores were affected by the most
27 recent irregularity.

28 7. The Department shall provide as many notices pursuant to
29 this section during 1 school year as are applicable to the
30 irregularities occurring at a school. A school shall provide for
31 additional administrations of examinations pursuant to this section
32 within 1 school year as applicable to the irregularities occurring at
33 the school.

34 ~~[8. If a school is required to provide an additional~~
35 ~~administration of examinations pursuant to NRS 385.3621 for a~~
36 ~~school year, the school is not required to provide for an additional~~
37 ~~administration pursuant to this section in that school year. The~~
38 ~~Department shall ensure that the information required pursuant to~~
39 ~~paragraph (b) of subsection 3 of NRS 389.648 is included in its~~
40 ~~report for the additional administration provided by such a school~~
41 ~~pursuant to NRS 385.3621.]~~



Sec. 17. Section 107 of chapter 1, Statutes of Nevada 2003, 19th Special Session, at page 89, is hereby amended to read as follows:

Sec. 107. The high school proficiency examination that measures the performance of pupils on the standards of content and performance in science must first be administered to pupils enrolled in grade ~~HH~~ 10 in the 2007-2008 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the ~~2008-2009~~ 2009-2010 school year.

Sec. 18. NRS 385.3621 is hereby repealed.

Sec. 19. 1. The Department of Education shall transfer from the State Distributive School Account the following sums for programs of remedial study for certain schools and for approved consultants to assist certain schools with developing plans to improve the achievement of pupils:

For Fiscal Year 2005-2006..... \$5,013,874

For Fiscal Year 2006-2007..... \$5,179,109

2. A school may submit an application to the Department of Education on or before November 15 of each fiscal year for transmission to the State Board of Examiners for an allocation from the amount transferred pursuant to subsection 1 for programs of remedial study if the school:

(a) Receives a designation as demonstrating need for improvement;

(b) Receives a designation as demonstrating need for improvement for failure to make adequate yearly progress pursuant to subsection 5 of NRS 385.3613 but did not receive such a designation based upon the academic achievement of pupils because too few pupils were enrolled in the school for a full academic year, however, the test scores of the pupils enrolled in the school indicates that the school would have received a designation as demonstrating need for improvement based upon test scores if a sufficient number of pupils were enrolled for a full academic year; or

(c) Did not receive a designation as demonstrating need for improvement, but more than 40 percent of the pupils enrolled in the school received an average score below the 26th percentile on all four subjects tested pursuant to NRS 389.015.

3. In addition to subsection 2, a non-Title I school that has received a designation as demonstrating need for improvement for 1 year pursuant to NRS 385.3661 may submit an application to the Department of Education on or before August 15 of either fiscal year, as applicable, for transmission to the State Board of Examiners for an allocation from the amount transferred pursuant to subsection 1 to hire a qualified and independent consultant from the



1 list prepared pursuant to subsection 4 to assist the school with the
2 development of a plan to improve the achievement of pupils
3 required pursuant to NRS 385.357. A school whose application is
4 approved may receive not more than \$10,000 from the amount
5 transferred pursuant to subsection 1 during the 2005-2007 biennium
6 for the services of a consultant.

7 4. On or before July 1 of each fiscal year, the Department of
8 Education shall prepare a draft of a list of independent consultants
9 who are qualified to assist individual schools with the development
10 of plans to improve the achievement of pupils required pursuant to
11 NRS 385.357. The Department shall submit the draft to the
12 Legislative Bureau of Educational Accountability and Program
13 Evaluation for review and comment by the Bureau. The Department
14 shall revise the list to the extent necessary to incorporate the
15 recommendations made by the Bureau. On or before August 1 of
16 each fiscal year, the Department shall submit a copy of the final list
17 of consultants to the Budget Division of the Department of
18 Administration and the Bureau.

19 5. The Department of Education shall, in consultation with the
20 Budget Division of the Department of Administration and the
21 Legislative Bureau of Educational Accountability and Program
22 Evaluation, develop a form for applications pursuant to subsections
23 2 and 3. The form must include, without limitation, a notice that
24 money received by a school to implement or continue programs of
25 remedial study that have been approved by the Department as being
26 effective in improving pupil achievement will be used to implement
27 or continue the programs in a manner that has been approved by the
28 vendor of the remedial program.

29 6. Notwithstanding the provisions of subsection 2 of NRS
30 385.3622 to the contrary, a school that satisfies the criteria set forth
31 in paragraph (b) of subsection 2 may submit an application for an
32 allocation and, if that application is approved, may use that money
33 for the purposes authorized in this section.

34 7. Upon receipt of an application submitted pursuant to
35 subsection 2 or 3, the Department of Education shall review the
36 application jointly with the Budget Division of the Department of
37 Administration and the Legislative Bureau of Educational
38 Accountability and Program Evaluation. The Department of
39 Education shall transmit the application to the State Board of
40 Examiners with the recommendation of the Department concerning
41 the allocation of money based upon each application so received.
42 The State Board of Examiners, or the Clerk of the Board if
43 authorized by the Board to act on its behalf, shall consider each such
44 application and, if it finds that an allocation should be made,
45 recommend the amount of the allocation to the Interim Finance



1 Committee. The Interim Finance Committee shall consider each
2 such recommendation, but is not bound to follow the
3 recommendation of the State Board of Examiners when determining
4 the allocation to be received by a school. In determining the amount
5 of the allocation, the State Board of Examiners and the Interim
6 Finance Committee shall consider:

7 (a) The total number of pupils enrolled in the school who failed
8 to meet adequate yearly progress;

9 (b) The percentage of pupils enrolled in the school who failed to
10 meet adequate yearly progress;

11 (c) The total number of subgroups of pupils, as prescribed by the
12 No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.,
13 enrolled in the school who failed to meet adequate yearly progress;
14 and

15 (d) The financial need of the particular school.

16 8. In addition to the considerations set forth in subsection 7, in
17 determining whether to approve an application for a school that has
18 received an allocation in the immediately preceding year and in
19 determining the amount of the allocation for such a school, the State
20 Board of Examiners and the Interim Finance Committee shall
21 consider whether:

22 (a) Each program of remedial study for which the school
23 requests an allocation is included as a component of the school's
24 plan to improve the achievement of pupils;

25 (b) The school has carried out the program of remedial study for
26 which it received an allocation in a manner that has been approved
27 by the vendor of the remedial program; and

28 (c) The program has been successful, as measured by the
29 academic achievement of the pupils enrolled in the school on the
30 examinations administered pursuant to NRS 389.015 or 389.550 and
31 any assessments related to the program of remedial study.

32 9. A school that receives an allocation of money pursuant to
33 subsection 2 shall use the money to:

34 (a) Pay the costs incurred by the school in providing the
35 program of remedial study required by NRS 385.389. The money
36 must first be applied to those pupils who failed to meet adequate
37 yearly progress.

38 (b) Pay for the salaries, training or other compensation of
39 teachers and other educational personnel to provide the program
40 of remedial study, instructional materials required for the program
41 of remedial study, equipment necessary to offer the program of
42 remedial study and all other additional operating costs attributable to
43 the program of remedial study, to the extent that the training,
44 materials and equipment are those that are approved by the vendor
45 of the remedial program.



(c) Supplement and not replace the money the school would otherwise expend for programs of remedial study.

10. A school that receives an allocation of money pursuant to subsection 3 shall use the money to:

(a) Pay the costs of a consultant selected from the list prepared pursuant to subsection 4 to assist the school with the development of a plan to improve the achievement of pupils required pursuant to NRS 385.357.

(b) Supplement and not replace the money the school would otherwise expend for an independent consultant to assist the school with the development of a plan to improve the achievement of pupils required pursuant to NRS 385.357.

11. Before a school amends a plan for expenditure of an allocation of money received pursuant to this section, the school district in which the school is located must submit the proposed amendment to the Department of Education to receive approval from the Department, the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation, or the Interim Finance Committee.

12. The sums transferred pursuant to subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2007, and must be reverted to the State Distributive School Account on or before September 21, 2007.

Sec. 20. 1. The Department of Education shall transfer from the State Distributive School Account the following sums for supplemental services or tutoring for pupils in non-Title I schools that failed to meet adequate yearly progress on the examinations administered pursuant to NRS 389.550:

For Fiscal Year 2005-2006..... \$1,500,000

For Fiscal Year 2006-2007..... \$1,500,000

2. The supplemental services or tutoring for which money is provided pursuant to this section must be conducted before or after school, on weekends, during the summer or between sessions in schools with year-round school calendars.

3. A school district may submit an application to the Department of Education on or before September 1 of each fiscal year for transmission to the State Board of Examiners for an allocation from the amount transferred pursuant to subsection 1 for pupils enrolled in non-Title I schools that:

(a) Receive a designation as demonstrating need for improvement; or

(b) Receive a designation as demonstrating need for improvement for failure to make adequate yearly progress pursuant



1 to subsection 5 of NRS 385.3613 but did not receive such a
2 designation based upon the academic achievement of pupils because
3 too few pupils were enrolled in the school for a full academic year,
4 however, the test scores of the pupils enrolled in the school indicates
5 that the school would have received a designation as demonstrating
6 need for improvement based upon test scores if a sufficient number
7 of pupils were enrolled for a full academic year.

8 4. Except as otherwise provided in paragraph (b) of subsection
9 3, a school district may not submit an application for pupils enrolled
10 in a non-Title I school if the school is designated as demonstrating
11 need for improvement based solely upon the failure of the school to
12 make adequate yearly progress pursuant to subsection 5 of
13 NRS 385.3613.

14 5. The Department of Education shall, in consultation with the
15 Budget Division of the Department of Administration and the
16 Legislative Bureau of Educational Accountability and Program
17 Evaluation, develop a form for such applications. The application
18 must include, without limitation:

19 (a) The estimated number of pupils that will participate in the
20 program;

21 (b) The provider of the supplemental services or tutoring;

22 (c) An identification of an approved program of remedial study
23 that will be used in the provision of supplemental services or
24 tutoring, if any;

25 (d) A schedule of the coursework or tutoring, or both, that will
26 be provided as part of the program;

27 (e) A plan for the evaluation of the effectiveness of the program;
28 and

29 (f) A proposed budget for the program.

30 6. Upon receipt of an application submitted pursuant to
31 subsection 3, the Department of Education shall review the
32 application jointly with the Budget Division of the Department of
33 Administration and the Legislative Bureau of Educational
34 Accountability and Program Evaluation. The Department of
35 Education shall transmit the application to the State Board of
36 Examiners with the recommendation of the Department concerning
37 the allocation of money based upon each application so received.
38 The State Board of Examiners, or the Clerk of the Board if
39 authorized by the Board to act on its behalf, shall consider each such
40 application and, if it finds that an allocation should be made,
41 recommend the amount of the allocation to the Interim Finance
42 Committee. The Interim Finance Committee shall consider each
43 such recommendation, but is not bound to follow the
44 recommendation of the State Board of Examiners when determining
45 the allocation to be received by a school district.



1 7. A school district that receives an allocation of money
2 pursuant to this section shall use the money to:

3 (a) Except as otherwise provided in paragraph (b), provide
4 supplemental services or tutoring that has been selected and
5 approved by the Department of Education in accordance with the
6 No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.

7 (b) If a provider has not been approved by the Department of
8 Education in accordance with the No Child Left Behind Act,
9 provide supplemental services or tutoring that has been approved by
10 the Department of Education, the Legislative Bureau of Educational
11 Accountability and Program Evaluation and the Budget Division of
12 the Department of Administration as being effective in improving
13 the academic achievement of pupils.

14 (c) Pay the costs incurred for providing the supplemental
15 services or tutoring. The money must be applied to those pupils who
16 failed to meet adequate yearly progress.

17 (d) Pay for the salaries, training or other compensation of
18 teachers and other educational personnel to provide the
19 supplemental services or tutoring, instructional materials required
20 for the program, equipment necessary to offer the program and all
21 other additional operating costs attributable to the program.

22 (e) Supplement and not replace the money the school district
23 would otherwise expend for supplemental services or tutoring.

24 8. A school district that receives an allocation of money
25 pursuant to this section may use the money to:

26 (a) Purchase programs of remedial study for use in providing the
27 supplemental services or tutoring if the programs of remedial study
28 have been approved by the Department of Education as being
29 effective in improving the academic achievement of pupils.

30 (b) Pay for the salaries, training or other compensation of
31 teachers and other educational personnel to provide the program
32 of remedial study, instructional materials required for the program
33 of remedial study, equipment necessary to offer the program of
34 remedial study and all other additional operating costs attributable to
35 the program of remedial study, to the extent that the training,
36 materials and equipment are those that are approved by the vendor
37 of the remedial program.

38 ➤ If a school district uses money allocated pursuant to this section
39 to purchase a program of remedial study, that money must
40 supplement and not replace the money the school district would
41 otherwise expend for programs of remedial study.

42 9. Before a school district amends a plan for expenditure of an
43 allocation of money received pursuant to this section, the school
44 district must submit the proposed amendment to the Department of
45 Education to receive approval from the Department, the Budget



1 Division of the Department of Administration and the Legislative
2 Bureau of Educational Accountability and Program Evaluation, or
3 the Interim Finance Committee.

4 10. The sums transferred pursuant to subsection 1 are available
5 for either fiscal year. Any remaining balance of those sums must not
6 be committed for expenditure after June 30, 2007, and must be
7 reverted to the State Distributive School Account on or before
8 September 21, 2007.

9 **Sec. 21.** 1. On or before August 1, 2005, the Department of
10 Education shall prescribe a form for the summary of accountability
11 information required of the board of trustees of each school district
12 pursuant to section 3 of this act and a form for the summary of
13 accountability of information required of the principal of each
14 public school pursuant to section 4 of this act.

15 2. The Department of Education shall ensure that each school
16 district and public school has access to the appropriate form to
17 ensure compliance with the deadline for submission of the summary
18 of accountability information prescribed in sections 3 and 4 of this
19 act.

20 **Sec. 22.** 1. This section and sections 11 and 21 of this act
21 become effective upon passage and approval.

22 2. Sections 3 and 4 of this act become effective upon passage
23 and approval for the purpose of the Department of Education
24 prescribing forms for the summary of accountability information
25 and on July 1, 2005, for all other purposes.

26 3. Sections 1, 2, 5 to 10, inclusive, 12 to 20, inclusive, of this
27 act become effective on July 1, 2005.

TEXT OF REPEALED SECTION

385.3621 Additional administration of examinations required of school if insufficient number of pupils take initial administration; waiver by Department authorized.

1. Except as otherwise provided in subsection 3, if the number
of pupils enrolled in a school who took the examinations
administered pursuant to NRS 389.550 is less than 95 percent of all
pupils enrolled in the school who were required to take the
examinations, the Department shall notify the school and the school
district in which the school is located that the school is required to
provide, in the same school year, for an additional administration of
examinations, as prescribed by the State Board pursuant to
subsection 2. Except as otherwise provided in this subsection, the



school district shall pay for all costs related to the administration of the examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.

2. The State Board shall prescribe by regulation the additional examinations that a school shall administer pursuant to subsection 1.

3. The Department may, for good cause shown, grant a waiver to a school from the requirements of subsection 1.



