

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 summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:*

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

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

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the subgroups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;



- 1 (4) Possession or use of a controlled substance; and
- 2 (5) Possession or use of alcohol;
- 3 (g) For kindergarten through grade 8, the number and
- 4 percentage of pupils who are retained in the same grade;
- 5 (h) For grades 9 to 12, inclusive, the number and percentage
- 6 of pupils who are deficient in the number of credits required for
- 7 promotion to the next grade or graduation from high school;
- 8 (i) The pupil-teacher ratio for kindergarten and grades 1 to 8,
- 9 inclusive;
- 10 (j) The average class size for the subject area of mathematics,
- 11 English, science and social studies in schools where pupils rotate
- 12 to different teachers for different subjects;
- 13 (k) The number and percentage of pupils who graduated from
- 14 high school;
- 15 (l) The number and percentage of pupils who received a:
- 16 (1) Standard diploma;
- 17 (2) Adult diploma;
- 18 (3) Adjusted diploma; and
- 19 (4) Certificate of attendance;
- 20 (m) The number and percentage of pupils who graduated from
- 21 high school and enrolled in remedial courses at the University and
- 22 Community College System of Nevada;
- 23 (n) Per pupil expenditures;
- 24 (o) Information on the professional qualifications of teachers;
- 25 (p) The average daily attendance of teachers and licensure
- 26 information;
- 27 (q) Information on the adequate yearly progress of the schools
- 28 and school districts;
- 29 (r) Pupil achievement based upon the examinations
- 30 administered pursuant to NRS 389.550 and the high school
- 31 proficiency examination;
- 32 (s) To the extent practicable, pupil achievement based upon
- 33 the examinations administered pursuant to NRS 389.015 for
- 34 grades 4, 7 and 10; and
- 35 (t) Other information required by the Superintendent of Public
- 36 Instruction in consultation with the Bureau.
- 37 2. The summary prepared pursuant to subsection 1 must:
- 38 (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations
- 39 adopted pursuant thereto;
- 40 (b) Be prepared in a concise manner; and
- 41 (c) Be presented in an understandable and uniform format
- 42 and, to the extent practicable, provided in a language that parents
- 43 will likely understand.



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

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

6 (b) Submit a copy of the summary in an electronic format to
7 the:

8 (1) Governor;

9 (2) Committee;

10 (3) Bureau;

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

12 (5) Board of trustees of each school district; and

13 (6) Governing body of each charter school.

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

24 5. The Department shall, in consultation with the Bureau and
25 the school districts, prescribe a form for the summary required by
26 this section.

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

32 (a) The information set forth in subsection 1 of section 2 of
33 this act, reported for the school district as a whole and for each
34 school within the school district, including, without limitation,
35 each charter school sponsored by the district;

36 (b) Information on the involvement of parents and legal
37 guardians in the education of their children; and

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

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

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

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



1 3. *The Department shall, in consultation with the Bureau and*
2 *the school districts, prescribe a form that contains the basic*
3 *information required by subsection 1. The board of trustees of a*
4 *school district may use an expanded form that contains additions*
5 *to the form prescribed by the Department if the basic information*
6 *contained in the expanded form complies with the form prescribed*
7 *by the Department.*

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

10 (a) *Submit the summary in an electronic format to the:*

11 (1) *Governor;*

12 (2) *State Board;*

13 (3) *Department;*

14 (4) *Committee;*

15 (5) *Bureau; and*

16 (6) *Schools within the school district, including, without*
17 *limitation, the charter schools sponsored by the school district.*

18 (b) *Provide for the public dissemination of the summary by*
19 *posting a copy of the summary on the Internet website maintained*
20 *by the school district, if any. If a school district does not maintain*
21 *a website, the district shall otherwise provide for public*
22 *dissemination of the summary. The board of each school district*
23 *shall ensure that the parents and guardians of pupils enrolled in*
24 *the school district have sufficient information concerning the*
25 *availability of the summary, including, without limitation,*
26 *information that describes how to access the summary on the*
27 *Internet website maintained by the school district, if any. Upon the*
28 *request of a parent or legal guardian, the school district shall*
29 *provide the parent or legal guardian with a written copy of the*
30 *summary.*

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

36 (a) *The information set forth in subsection 1 of section 2 of*
37 *this act, reported only for the school;*

38 (b) *Information on the involvement of parents and legal*
39 *guardians in the education of their children; and*

40 (c) *Such other information as is directed by the*
41 *Superintendent of Public Instruction in consultation with the*
42 *Bureau.*

43 2. *The summary prepared pursuant to subsection 1 must be*
44 *presented in an understandable and uniform format and, to the*



1 *extent practicable, provided in a language that parents will likely*
2 *understand.*

3 *3. The Department shall, in consultation with the Bureau and*
4 *the school districts, prescribe a form that contains the basic*
5 *information required by subsection 1. The principal of a school*
6 *may use an expanded form that contains additions to the form*
7 *prescribed by the Department if the basic information contained in*
8 *the expanded form complies with the form prescribed by the*
9 *Department.*

10 *4. On or before September 7 of each year:*

11 *(a) The principal of each public school shall submit the*
12 *summary in electronic format to the:*

13 *(1) Department;*

14 *(2) Bureau; and*

15 *(3) Board of trustees of the school district in which the*
16 *school is located.*

17 *(b) The school district in which the school is located shall*
18 *ensure that the summary is posted on the Internet website*
19 *maintained by the school, if any, or the Internet website*
20 *maintained by the school district, if any. If the summary is not*
21 *posted on the website of the school or the school district, the*
22 *school district shall otherwise provide for public dissemination of*
23 *the summary.*

24 *(c) The principal of each public school shall ensure that the*
25 *parents and legal guardians of the pupils enrolled in the school*
26 *have sufficient information concerning the availability of the*
27 *summary, including, without limitation, information that describes*
28 *how to access the summary on the Internet website, if any, and*
29 *how a parent or guardian may otherwise access the summary*
30 *before the distribution required by subsection 5.*

31 *5. On or before September 30 of each year, the principal of*
32 *each public school shall provide a written copy of the summary to*
33 *each parent and legal guardian of a pupil enrolled in the school.*

34 **Sec. 5.** *In addition to the designation of a public school*
35 *pursuant to NRS 385.366, the board of trustees of a school district*
36 *or the Department, as applicable, shall recognize a school as an*
37 *exemplary turnaround school if the school was designated as*
38 *demonstrating need for improvement and within 3 consecutive*
39 *years after the school received that designation, the school is*
40 *designated as demonstrating exemplary achievement or high*
41 *achievement.*

42 **Sec. 6.** *In addition to the designation of a school district*
43 *pursuant to NRS 385.3771, the Department shall recognize a*
44 *school district as an exemplary turnaround school district if the*
45 *school district was designated as demonstrating need for*



1 *improvement and within 3 consecutive years after the school*
2 *district received that designation, the school district is designated*
3 *as demonstrating exemplary achievement or high achievement.*

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

5 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*
6 *sections 2 to 6, inclusive, of this act*, unless the context otherwise
7 requires, the words and terms defined in NRS 385.346 to
8 385.34675, inclusive, have the meanings ascribed to them in those
9 sections.

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

11 385.3468 The provisions of NRS 385.3455 to 385.391,
12 inclusive, *and sections 2 to 6, inclusive, of this act* do not
13 supersede, negate or otherwise limit the effect or application of the
14 provisions of chapters 288 and 391 of NRS or the rights, remedies
15 and procedures afforded to employees of a school district under the
16 terms of collective bargaining agreements, memoranda of
17 understanding or other such agreements between employees and
18 their employers.

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

20 385.3469 1. The State Board shall prepare an annual report
21 of accountability that includes, without limitation:

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

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

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

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

34 (3) Pupils with disabilities;

35 (4) Pupils who are limited English proficient; and

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

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

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



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

4 (f) The most recent 3-year trend in the achievement of pupils in
5 each subject area tested and each grade level tested pursuant to NRS
6 389.015 and 389.550, reported for each school district, including,
7 without limitation, each charter school in the district, and for this
8 State as a whole, which may include information regarding the trend
9 in the achievement of pupils for more than 3 years, if such
10 information is available.

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

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

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

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

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

38 (1) The percentage of teachers who are:

39 (I) Providing instruction pursuant to NRS 391.125;

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

43 (III) Otherwise providing instruction without an
44 endorsement for the subject area in which the teachers are
45 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 ~~;~~;

(4) For each middle school, junior high school and high school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level and subject area; and

(5) For each elementary school, the number of persons employed as substitute teachers and the number of days each substitute teacher was employed, identified by grade level.

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

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

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a 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.

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

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

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

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

(y) The percentage of pupils who graduated from a 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, reported for each school district,



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

3 (z) The technological facilities and equipment available for
4 educational purposes, reported for each school district, including,
5 without limitation, each charter school in the district, and for this
6 State as a whole.

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

10 (1) A standard high school diploma.

11 (2) An adjusted diploma.

12 (3) A certificate of attendance.

13 (bb) The number and percentage of pupils who did not receive a
14 high school diploma because the pupils failed to pass the high
15 school proficiency examination, reported for each school district,
16 including, without limitation, each charter school in the district, and
17 for this State as a whole.

18 (cc) The number of habitual truants who are reported to a school
19 police officer or local law enforcement agency pursuant to
20 paragraph (a) of subsection 2 of NRS 392.144 and the number of
21 habitual truants who are referred to an advisory board to review
22 school attendance pursuant to paragraph (b) of subsection 2 of NRS
23 392.144, reported for each school district, including, without
24 limitation, each charter school in the district, and for this State as a
25 whole.

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

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

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

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



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

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

11 3. The annual report of accountability must:

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

14 (b) Be prepared in a concise manner; and

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

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

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

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

26 ~~[(a) Governor;~~

27 ~~—(b) Committee;~~

28 ~~—(c) Bureau;~~

29 ~~—(d)] (1) Governor;~~

30 (2) Committee;

31 (3) Bureau;

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

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

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

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

39 6. As used in this section:

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

42 (b) “Paraprofessional” has the meaning ascribed to it in
43 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 ~~fin~~ *sponsored by* the school district. The board of trustees of a school district shall report the information required by subsection 2 for each charter school ~~within~~ *sponsored by* 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 ~~fin~~ *sponsored by* 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 examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, and each grade in which the examinations were administered:

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

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

~~—(3)]~~ 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;

~~[(4)]~~ (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;



~~[(5)]~~ (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;

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

~~[(7)]~~ (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 ~~[(4)]~~ (3);

~~[(8)]~~ (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;

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

~~[(10)]~~ (9) For each school in the district, including, without limitation, each charter school ~~[(in)]~~ *sponsored by* the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

➔ 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.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school ~~[(in)]~~ *sponsored by* the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school ~~[(in)]~~ *sponsored by* the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school ~~[(in)]~~ *sponsored by* the district. The information must include, without limitation:

(1) The percentage of teachers who are:



- 1 (I) Providing instruction pursuant to NRS 391.125;
2 (II) Providing instruction pursuant to a waiver of the
3 requirements for licensure for the grade level or subject area in
4 which the teachers are employed; or
5 (III) Otherwise providing instruction without an
6 endorsement for the subject area in which the teachers are
7 employed;
- 8 (2) The percentage of classes in the core academic subjects,
9 as set forth in NRS 389.018, that are not taught by highly qualified
10 teachers; ~~and~~
- 11 (3) The percentage of classes in the core academic subjects,
12 as set forth in NRS 389.018, that are not taught by highly qualified
13 teachers, in the aggregate and disaggregated by high-poverty
14 compared to low-poverty schools, which for the purposes of this
15 subparagraph, means schools in the top quartile of poverty and the
16 bottom quartile of poverty in this State ~~is~~;
- 17 (4) *For each middle school, junior high school and high*
18 *school, the number of persons employed as substitute teachers and*
19 *the number of days each substitute teacher was employed,*
20 *identified by grade level and subject area; and*
- 21 (5) *For each elementary school, the number of persons*
22 *employed as substitute teachers and the number of days each*
23 *substitute teacher was employed, identified by grade level.*
- 24 (e) The total expenditure per pupil for each school in the district
25 and the district as a whole, including, without limitation, each
26 charter school ~~fin~~ *sponsored by* the district. If this State has a
27 financial analysis program that is designed to track educational
28 expenditures and revenues to individual schools, each school district
29 shall use that statewide program in complying with this paragraph.
30 If a statewide program is not available, each school district shall use
31 its own financial analysis program in complying with this
32 paragraph.
- 33 (f) The curriculum used by the school district, including:
34 (1) Any special programs for pupils at an individual school;
35 and
36 (2) The curriculum used by each charter school ~~fin~~
37 *sponsored by* the district.
- 38 (g) Records of the attendance and truancy of pupils in all grades,
39 including, without limitation:
40 (1) The average daily attendance of pupils, for each school in
41 the district and the district as a whole, including, without limitation,
42 each charter school ~~fin~~ *sponsored by* the district.
- 43 (2) For each elementary school, middle school and junior
44 high school in the district, including, without limitation, each charter
45 school ~~fin~~ *sponsored by* the district that provides instruction to



1 pupils enrolled in a grade level other than high school, information
2 that compares the attendance of the pupils enrolled in the school
3 with the attendance of pupils throughout the district and throughout
4 this State. The information required by this subparagraph must be
5 provided in consultation with the Department to ensure the accuracy
6 of the comparison.

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

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

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

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

16 (i) Records of attendance of teachers who provide instruction,
17 for each school in the district and the district as a whole, including,
18 without limitation, each charter school ~~fin~~ *sponsored by* the district.

19 (j) Efforts made by the school district and by each school in the
20 district, including, without limitation, each charter school ~~fin~~
21 *sponsored by* the district, to increase:

22 (1) Communication with the parents of pupils in the district;
23 and

24 (2) The participation of parents in the educational process
25 and activities relating to the school district and each school,
26 including, without limitation, the existence of parent organizations
27 and school advisory committees.

28 (k) Records of incidents involving weapons or violence for each
29 school in the district, including, without limitation, each charter
30 school ~~fin~~ *sponsored by* the district.

31 (l) Records of incidents involving the use or possession of
32 alcoholic beverages or controlled substances for each school in the
33 district, including, without limitation, each charter school ~~fin~~
34 *sponsored by* the district.

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

37 (n) The number of pupils who are deemed habitual disciplinary
38 problems pursuant to NRS 392.4655, for each school in the district
39 and the district as a whole, including, without limitation, each
40 charter school ~~fin~~ *sponsored by* the district.

41 (o) The number of pupils in each grade who are retained in the
42 same grade pursuant to NRS 392.033 or 392.125, for each school in
43 the district and the district as a whole, including, without limitation,
44 each charter school ~~fin~~ *sponsored by* 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 ~~fin~~ *sponsored by* 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 sponsored by 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 ~~fin~~ *sponsored by* 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 ~~fin~~ *sponsored by* 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 ~~fin~~ *sponsored by the district*, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, the number and percentage of pupils who received:

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, the number and percentage of pupils who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or 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, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by* the district.

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

(z) Information on whether each public school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district, has made adequate yearly progress, including, without limitation:

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

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

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

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

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

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

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools



1 within the district and programs approved by the Legislature to
2 improve the academic achievement of pupils.

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

5 3. The records of attendance maintained by a school for
6 purposes of paragraph (i) of subsection 2 must include the number
7 of teachers who are in attendance at school and the number of
8 teachers who are absent from school. A teacher shall be deemed in
9 attendance if the teacher is excused from being present in the
10 classroom by the school in which he is employed for one of the
11 following reasons:

12 (a) Acquisition of knowledge or skills relating to the
13 professional development of the teacher; or

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

16 4. The annual report of accountability prepared pursuant to
17 subsection 2 must:

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

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

23 5. The Superintendent of Public Instruction shall:

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

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

30 (c) Consult with a representative of the:

31 (1) Nevada State Education Association;

32 (2) Nevada Association of School Boards;

33 (3) Nevada Association of School Administrators;

34 (4) Nevada Parent Teacher Association;

35 (5) Budget Division of the Department of Administration;

36 and

37 (6) Legislative Counsel Bureau,

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

41 6. The Superintendent of Public Instruction may consult with
42 representatives of parent groups other than the Nevada Parent
43 Teacher Association concerning the program and consider any
44 advice or recommendations submitted by the representatives with
45 respect to the program.



7. On or before ~~[April 1]~~ **August 15** of each year, the board of trustees of each school district shall submit to ~~F~~
~~—(a) Each~~ **each** advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

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

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

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

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) **by posting a copy of the report 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 annual report by providing a copy of the report** to the schools in the school district, including, without limitation, each charter school ~~[in]~~ **sponsored by** the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school ~~[in]~~ **sponsored by** the district.

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

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

385.3613 1. ~~[On]~~ **Except as otherwise provided in subsection 2, on** or before June 15 of each year, the Department shall determine whether each public school is making adequate



1 yearly progress, as defined by the State Board pursuant to
2 NRS 385.361.

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

8 *3. The determination pursuant to subsection 1 or 2, as*
9 *applicable, for a public school, including, without limitation, a*
10 *charter school sponsored by the board of trustees of the school*
11 *district, must be made in consultation with the board of trustees of*
12 *the school district in which the public school is located. If a charter*
13 *school is sponsored by the State Board, the Department shall make a*
14 *determination for the charter school in consultation with the State*
15 *Board. The determination made for each school must be based only*
16 *upon the information and data for those pupils who are enrolled in*
17 *the school for a full academic year. On or before June 15 or June 30*
18 *of each year, as applicable, the Department shall transmit:*

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

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

24 ~~[2-]~~ 4. Except as otherwise provided in this subsection, the
25 Department shall determine that a public school has failed to make
26 adequate yearly progress if any subgroup identified in paragraph (b)
27 of subsection 1 of NRS 385.361 does not satisfy the annual
28 measurable objectives established by the State Board pursuant to
29 that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the
30 regulations adopted pursuant thereto, the State Board shall prescribe
31 by regulation the conditions under which a school shall be deemed
32 to have made adequate yearly progress even though a subgroup
33 identified in paragraph (b) of subsection 1 of NRS 385.361 did not
34 satisfy the annual measurable objectives of the State Board.

35 ~~[3-]~~ 5. In addition to the provisions of subsection ~~[2-]~~ 4, the
36 Department shall determine that a public school has failed to make
37 adequate yearly progress if:

38 (a) The number of pupils enrolled in the school who took the
39 examinations administered pursuant to NRS 389.550 or the high
40 school proficiency examination, as applicable, is less than
41 95 percent of all pupils enrolled in the school who were required to
42 take the examinations; or

43 (b) Except as otherwise provided in subsection ~~[4-]~~ 6, for each
44 subgroup of pupils identified in paragraph (b) of subsection 1 of
45 NRS 385.361, the number of pupils in the subgroup enrolled in the



1 school who took the examinations administered pursuant to NRS
2 389.550 or the high school proficiency examination, as applicable,
3 is less than 95 percent of all pupils in that subgroup enrolled in the
4 school who were required to take the examinations.

5 ~~[4.]~~ 6. If the number of pupils in a particular subgroup who are
6 enrolled in a public school is insufficient to yield statistically
7 reliable information:

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

11 (b) The pupils in such a subgroup must be included in the
12 overall count of pupils enrolled in the school who took the
13 examinations.

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

17 ~~[5.]~~ 7. If an irregularity in testing administration or an
18 irregularity in testing security occurs at a school and the irregularity
19 invalidates the test scores of pupils, those test scores must ~~[not]~~ be
20 included in the scores of pupils reported for the school, ~~[and]~~ the
21 attendance of those pupils must ~~[not]~~ be counted towards the total
22 number of pupils who took the examinations ~~[but]~~ and the pupils
23 must be included in the total number of pupils who were required to
24 take the examinations. ~~[If the pupils take an additional~~
25 ~~administration of the examinations during the same school year, the~~
26 ~~scores of pupils on those examinations must not be included in the~~
27 ~~scores of pupils reported for the school.~~

28 ~~—6.]~~ 8. As used in this section:

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

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

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

34 385.3622 If the Department determines that a public school has
35 failed to make adequate yearly progress pursuant to subsection ~~[3.]~~ 5
36 of NRS 385.3613:

37 1. The Department or its designee shall, to the extent money is
38 available, monitor at the school the administration of the
39 examinations that are required pursuant to NRS 389.550 and ensure
40 that all eligible pupils who are in attendance on the day of the
41 administration of the examinations are given an opportunity to take
42 the examinations until the percentage of pupils who take the
43 examinations is 95 percent or more of all pupils enrolled in the
44 school who are required to take the examinations.



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

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

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

2. ~~[If the board of trustees of a school district or the Department, as applicable, determines that a public school is demonstrating need for improvement, the board of trustees or the Department shall issue a preliminary designation for that school on or before July 1.]~~ Before making a final designation for ~~the~~ *a* school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the ~~[proposed]~~ *preliminary* designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations adopted pursuant thereto. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the designation for the school on August 1. If the school is a charter school sponsored by the State Board, the Department shall make a final determination concerning the designation for the school on August 1.

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

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

- (1) Governor;
- (2) State Board;
- (3) Committee; and
- (4) Bureau.



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

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

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

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

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

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

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

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

- (1) Governor;
- (2) State Board;
- (3) Committee; and
- (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 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of ~~[each]~~ a charter school *that is sponsored by the board of*



1 *trustees of a school district* shall submit the information concerning
2 the charter school that is required pursuant to subsection 2 of NRS
3 385.347 to the board of trustees ~~[of the school district in which]~~ *that*
4 *sponsors* the charter school ~~[is located, regardless of the sponsor of~~
5 ~~the charter school,]~~ for inclusion in the report of the school district
6 pursuant to that section. The information must be submitted by the
7 charter school in a format prescribed by the board of trustees.

8 2. ~~[On or before August 15 of each year, the governing body of~~
9 ~~each charter school shall submit the information applicable to the~~
10 ~~charter school that is contained in the report pursuant to paragraph~~
11 ~~(t) of subsection 2 of NRS 385.347 to the Commission on~~
12 ~~Educational Technology created pursuant to NRS 388.790.]~~ *On or*
13 *before July 15 of each year, the governing body of a charter*
14 *school that is sponsored by the State Board shall submit the*
15 *information described in subsection 2 of NRS 385.347 to the*
16 *Department in a format prescribed by the Department. The*
17 *Department shall prepare a separate report of accountability*
18 *information for the charter schools sponsored by the State Board.*

19 3. The Legislative Bureau of Educational Accountability and
20 Program Evaluation created pursuant to NRS 218.5356 may
21 authorize a person or entity with whom it contracts pursuant to NRS
22 385.359 to review and analyze information submitted by charter
23 schools pursuant to this section and NRS 385.357, consult with the
24 governing bodies of charter schools and submit written reports
25 concerning charter schools pursuant to NRS 385.359.

26 **Sec. 16.** NRS 386.650 is hereby amended to read as follows:

27 386.650 1. The Department shall establish and maintain an
28 automated system of accountability information for Nevada. The
29 system must:

30 (a) Have the capacity to provide and report information,
31 including, without limitation, the results of the achievement of
32 pupils:

33 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
34 the regulations adopted pursuant thereto, and NRS 385.3469 and
35 385.347; and

36 (2) In a separate reporting for each subgroup of pupils
37 identified in paragraph (b) of subsection 1 of NRS 385.361;

38 (b) Include a system of unique identification for each pupil:

39 (1) To ensure that individual pupils may be tracked over time
40 throughout this State; and

41 (2) That, to the extent practicable, may be used for purposes
42 of identifying a pupil for both the public schools and the University
43 and Community College System of Nevada, if that pupil enrolls in
44 the System after graduation from high school;



1 (c) Have the capacity to provide longitudinal comparisons of the
2 academic achievement, rate of attendance and rate of graduation of
3 pupils over time throughout this State;

4 (d) Have the capacity to perform a variety of longitudinal
5 analyses of the results of individual pupils on assessments,
6 including, without limitation, the results of pupils by classroom and
7 by school;

8 (e) Have the capacity to identify which teachers are assigned to
9 individual pupils and which paraprofessionals, if any, are assigned
10 to provide services to individual pupils;

11 (f) Have the capacity to provide other information concerning
12 schools and school districts that is not linked to individual pupils,
13 including, without limitation, the designation of schools and school
14 districts pursuant to NRS 385.3623 and 385.377, respectively, and
15 an identification of which schools, if any, are persistently
16 dangerous;

17 (g) Have the capacity to access financial accountability
18 information for each public school, including, without limitation,
19 each charter school, for each school district and for this State as a
20 whole; and

21 (h) Be designed to improve the ability of the Department, school
22 districts and the public schools in this State, including, without
23 limitation, charter schools, to account for the pupils who are
24 enrolled in the public schools, including, without limitation, charter
25 schools.

26 ➤ The information maintained pursuant to paragraphs (c), (d) and
27 (e) must not be used for the purpose of evaluating an individual
28 teacher or paraprofessional.

29 2. The board of trustees of each school district shall:

30 (a) Adopt and maintain the program prescribed by the
31 Superintendent of Public Instruction pursuant to subsection 3 for the
32 collection, maintenance and transfer of data from the records of
33 individual pupils to the automated system of information, including,
34 without limitation, the development of plans for the educational
35 technology which is necessary to adopt and maintain the program;

36 (b) Provide to the Department electronic data concerning pupils
37 as required by the Superintendent of Public Instruction pursuant to
38 subsection 3; and

39 (c) Ensure that an electronic record is maintained in accordance
40 with subsection 3 of NRS 386.655.

41 3. The Superintendent of Public Instruction shall:

42 (a) Prescribe a uniform program throughout this State for the
43 collection, maintenance and transfer of data that each school district
44 must adopt, which must include standardized software;



(b) Prescribe the data to be collected and reported to the Department by each school district *and each sponsor of a charter school* pursuant to subsection 2 . ~~[, including, without limitation, data relating to each charter school located within a school district regardless of the sponsor of the charter school;]~~

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data;

(e) Prescribe the date by which each charter school ~~located within a school district]~~ shall report the data to the ~~[school district for incorporation into the report of the school district, regardless of the]~~ sponsor of the charter school;

(f) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(g) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(h) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the University and Community College System of Nevada to provide access to data contained within the automated system for research purposes.



Sec. 17. NRS 386.655 is hereby amended to read as follows:

386.655 1. The Department, the school districts and the public schools, including, without limitation, charter schools, shall, in operating the automated system of information established pursuant to NRS 386.650, comply with the provisions of:

(a) For all pupils, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto; and

(b) For pupils with disabilities who are enrolled in programs of special education, the provisions governing access to education records and confidentiality of information prescribed in the Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c), and the regulations adopted pursuant thereto.

2. Except as otherwise provided in 20 U.S.C. § 1232g(b) and any other applicable federal law, a public school, including, without limitation, a charter school, shall not release the education records of a pupil to a person or an agency of a federal, state or local government without the written consent of the parent or legal guardian of the pupil.

3. In addition to the record required pursuant to 20 U.S.C. § 1232g(b)(4)(A), each school district *and each sponsor of a charter school* shall maintain within the automated system of information an electronic record of all persons and agencies who have requested the education record of a pupil or obtained access to the education record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The electronic record must be maintained and may only be disclosed in accordance with the provisions of 20 U.S.C. § 1232g. A charter school shall provide to the ~~[school district in which the charter school is located]~~ *sponsor of the charter school* such information as is necessary for the ~~[school district]~~ *sponsor* to carry out the provisions of this subsection . ~~[, regardless of the sponsor of the charter school.]~~

4. The right accorded to a parent or legal guardian of a pupil pursuant to subsection 2 devolves upon the pupil on the date on which he attains the age of 18 years.

5. As used in this section, unless the context otherwise requires, "education records" has the meaning ascribed to it in 20 U.S.C. § 1232g(a)(4).

Sec. 18. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;



(c) The information ~~submitted to the Commission by the board of trustees of each school district pursuant to subsection 7 of~~ *reported pursuant to paragraph (t) of subsection 2 of* NRS 385.347; and

(d) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, but not limited to, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

↪ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational



1 technology, subject to any priorities for such allocation established
2 by the Legislature.

3 (c) Establish criteria for the board of trustees of a school district
4 that receives an allocation of money from the Commission to:

5 (1) Repair, replace and maintain computer systems.

6 (2) Upgrade and improve computer hardware and software
7 and other educational technology.

8 (3) Provide training, installation and technical support related
9 to the use of educational technology within the district.

10 (d) Submit to the Governor, the Committee and the Department
11 its plan for the use of educational technology in the public schools
12 of this State and any recommendations for legislation.

13 (e) Review the plan annually and make revisions as it deems
14 necessary or as directed by the Committee or the Department.

15 (f) In addition to the recommendations set forth in the plan
16 pursuant to subsection 2, make further recommendations to the
17 Committee and the Department as the Commission deems
18 necessary.

19 6. The Commission may appoint an advisory committee
20 composed of members of the Commission or other qualified persons
21 to provide recommendations to the Commission regarding standards
22 for the establishment, coordination and use of a telecommunications
23 network in the public schools throughout the various school districts
24 in this State. The advisory committee serves at the pleasure of the
25 Commission and without compensation unless an appropriation or
26 other money for that purpose is provided by the Legislature.

27 7. As used in this section, "public school" includes the Caliente
28 Youth Center, the Nevada Youth Training Center and any other
29 state facility for the detention of children that is operated pursuant to
30 title 5 of NRS.

31 **Sec. 19.** NRS 389.550 is hereby amended to read as follows:

32 389.550 1. The State Board shall, in consultation with the
33 Council, prescribe examinations that comply with 20 U.S.C.
34 § 6311(b)(3) and that measure the achievement and proficiency of
35 pupils:

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

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

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

44 2. In addition to the examinations prescribed pursuant to
45 subsection 1, the State Board shall, in consultation with the Council,



1 prescribe a writing examination for grades ~~4~~ 5 and 8 and for the
2 high school proficiency examination.

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

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

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

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

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

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

25 **Sec. 20.** NRS 389.632 is hereby amended to read as follows:

26 389.632 1. ~~Except as otherwise provided in subsection 8, if~~
27 *If* the Department determines:

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

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

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

39 ↳ the Department shall notify the school and the school district in
40 which the school is located that the school is required to provide for
41 an additional administration of the examinations to pupils who are
42 enrolled in a grade that is required to take the examinations pursuant
43 to NRS 389.015, excluding the high school proficiency
44 examination, or to the pupils the Department determines must take
45 the additional administration pursuant to subsection 6. The



1 additional administration must occur in the same school year in
2 which the irregularity described in paragraph (b) occurred. Except
3 as otherwise provided in this subsection, the school district shall pay
4 for all costs related to the administration of examinations pursuant
5 to this subsection. If a charter school is required to administer
6 examinations pursuant to this subsection, the charter school shall
7 pay for all costs related to the administration of the examinations to
8 pupils enrolled in the charter school.

9 2. If the Department determines that:

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

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

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

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

31 3. If the Department determines that:

32 (a) At least one irregularity in testing administration occurred at
33 a school, including, without limitation, a charter school, during 1
34 school year on the examinations administered pursuant to NRS
35 389.015, excluding the high school proficiency examination;

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

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

43 ➤ the Department shall notify the school and the school district in
44 which the school is located that the school is required to provide for
45 an additional administration of the examinations to pupils who are



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

8 4. ~~Except as otherwise provided in subsection 8, if~~ *If* the
9 Department determines that:

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

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

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

21 ➔ the Department shall notify the school and the school district in
22 which the school is located that the school is required to provide for
23 an additional administration of the examinations to pupils who are
24 enrolled in a grade that is required to take the examinations pursuant
25 to NRS 389.015, excluding the high school proficiency
26 examination, or to the pupils the Department determines must take
27 the additional administration pursuant to subsection 6. The
28 additional administration must occur in the same school year in
29 which the irregularity described in paragraph (b) occurred. The
30 school district shall pay for all costs related to the administration of
31 examinations pursuant to this subsection.

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

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

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

40 6. If the Department determines pursuant to subsection 5 that a
41 school must provide for an additional administration of
42 examinations, the Department may consider whether the most recent
43 irregularity in testing administration affected the test scores of a
44 limited number of pupils and require the school to provide an
45 additional administration of examinations pursuant to this section



1 only to those pupils whose test scores were affected by the most
2 recent irregularity.

3 7. The Department shall provide as many notices pursuant to
4 this section during 1 school year as are applicable to the
5 irregularities occurring at a school. A school shall provide for
6 additional administrations of examinations pursuant to this section
7 within 1 school year as applicable to the irregularities occurring at
8 the school.

9 ~~[8. If a school is required to provide an additional
10 administration of examinations pursuant to NRS 385.3621 for a
11 school year, the school is not required to provide for an additional
12 administration pursuant to this section in that school year. The
13 Department shall ensure that the information required pursuant to
14 paragraph (b) of subsection 3 of NRS 389.648 is included in its
15 report for the additional administration provided by such a school
16 pursuant to NRS 385.3621.]~~

17 **Sec. 21.** Section 107 of chapter 1, Statutes of Nevada 2003,
18 19th Special Session, at page 89, is hereby amended to read as
19 follows:

20 Sec. 107. The high school proficiency examination that
21 measures the performance of pupils on the standards of
22 content and performance in science must first be administered
23 to pupils enrolled in grade ~~[11]~~ 10 in the 2007-2008 school
24 year, who must pass the examination before the completion of
25 grade 12 to graduate with a standard high school diploma in
26 the ~~[2008-2009]~~ 2009-2010 school year.

27 **Sec. 22.** NRS 385.3621 is hereby repealed.

28 **Sec. 23.** 1. The Department of Education shall transfer from
29 the State Distributive School Account the following sums for
30 programs of remedial study for certain schools and for approved
31 consultants to assist certain schools with developing plans to
32 improve the achievement of pupils:

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

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

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

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

42 (b) Receives a designation as demonstrating need for
43 improvement for failure to make adequate yearly progress pursuant
44 to subsection 5 of NRS 385.3613 but did not receive such a
45 designation based upon the academic achievement of pupils because



1 too few pupils were enrolled in the school for a full academic year,
2 however, the test scores of the pupils enrolled in the school indicates
3 that the school would have received a designation as demonstrating
4 need for improvement based upon test scores if a sufficient number
5 of pupils were enrolled for a full academic year; or

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

10 3. In addition to subsection 2, a non-Title I school that has
11 received a designation as demonstrating need for improvement for
12 1 year pursuant to NRS 385.3661 may submit an application to the
13 Department of Education on or before August 15 of either fiscal
14 year, as applicable, for transmission to the State Board of Examiners
15 for an allocation from the amount transferred pursuant to
16 subsection 1 to hire a qualified and independent consultant from the
17 list prepared pursuant to subsection 4 to assist the school with the
18 development of a plan to improve the achievement of pupils
19 required pursuant to NRS 385.357. A school whose application is
20 approved may receive not more than \$10,000 from the amount
21 transferred pursuant to subsection 1 during the 2005-2007 biennium
22 for the services of a consultant.

23 4. On or before July 1 of each fiscal year, the Department of
24 Education shall prepare a draft of a list of independent consultants
25 who are qualified to assist individual schools with the development
26 of plans to improve the achievement of pupils required pursuant to
27 NRS 385.357. The Department shall submit the draft to the
28 Legislative Bureau of Educational Accountability and Program
29 Evaluation for review and comment by the Bureau. The Department
30 shall revise the list to the extent necessary to incorporate the
31 recommendations made by the Bureau. On or before August 1 of
32 each fiscal year, the Department shall submit a copy of the final list
33 of consultants to the Budget Division of the Department of
34 Administration and the Bureau.

35 5. The Department of Education shall, in consultation with the
36 Budget Division of the Department of Administration and the
37 Legislative Bureau of Educational Accountability and Program
38 Evaluation, develop a form for applications pursuant to subsections
39 2 and 3. The form must include, without limitation, a notice that
40 money received by a school to implement or continue programs of
41 remedial study that have been approved by the Department as being
42 effective in improving pupil achievement will be used to implement
43 or continue the programs in a manner that has been approved by the
44 vendor of the remedial program.



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

7. Upon receipt of an application submitted pursuant to subsection 2 or 3, the Department of Education shall review the application jointly with the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation. The Department of Education shall transmit the application to the State Board of Examiners with the recommendation of the Department concerning the allocation of money based upon each application so received. The State Board of Examiners, or the Clerk of the Board if authorized by the Board to act on its behalf, shall consider each such application and, if it finds that an allocation should be made, recommend the amount of the allocation to the Interim Finance Committee. The Interim Finance Committee shall consider each such recommendation, but is not bound to follow the recommendation of the State Board of Examiners when determining the allocation to be received by a school. In determining the amount of the allocation, the State Board of Examiners and the Interim Finance Committee shall consider:

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

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

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

(d) The financial need of the particular school.

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

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

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



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

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

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

(b) Pay for the salaries, training or other compensation of teachers and other educational personnel to provide the program of remedial study, instructional materials required for the program of remedial study, equipment necessary to offer the program of remedial study and all other additional operating costs attributable to the program of remedial study, to the extent that the training, materials and equipment are those that are approved by the vendor 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. 24. 1. The Department of Education shall transfer from the State Distributive School Account the following sums for



1 supplemental services or tutoring for pupils in non-Title I schools
2 that failed to meet adequate yearly progress on the examinations
3 administered pursuant to NRS 389.550:

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

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

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

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

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

17 (b) Receive a designation as demonstrating need for
18 improvement for failure to make adequate yearly progress pursuant
19 to subsection 5 of NRS 385.3613 but did not receive such a
20 designation based upon the academic achievement of pupils because
21 too few pupils were enrolled in the school for a full academic year,
22 however, the test scores of the pupils enrolled in the school indicates
23 that the school would have received a designation as demonstrating
24 need for improvement based upon test scores if a sufficient number
25 of pupils were enrolled for a full academic year.

26 4. Except as otherwise provided in paragraph (b) of subsection
27 3, a school district may not submit an application for pupils enrolled
28 in a non-Title I school if the school is designated as demonstrating
29 need for improvement based solely upon the failure of the school to
30 make adequate yearly progress pursuant to subsection 5 of
31 NRS 385.3613.

32 5. The Department of Education shall, in consultation with the
33 Budget Division of the Department of Administration and the
34 Legislative Bureau of Educational Accountability and Program
35 Evaluation, develop a form for such applications. The application
36 must include, without limitation:

37 (a) The estimated number of pupils that will participate in the
38 program;

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

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

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



1 (e) A plan for the evaluation of the effectiveness of the program;
2 and

3 (f) A proposed budget for the program.

4 6. Upon receipt of an application submitted pursuant to
5 subsection 3, the Department of Education shall review the
6 application jointly with the Budget Division of the Department of
7 Administration and the Legislative Bureau of Educational
8 Accountability and Program Evaluation. The Department of
9 Education shall transmit the application to the State Board of
10 Examiners with the recommendation of the Department concerning
11 the allocation of money based upon each application so received.
12 The State Board of Examiners, or the Clerk of the Board if
13 authorized by the Board to act on its behalf, shall consider each such
14 application and, if it finds that an allocation should be made,
15 recommend the amount of the allocation to the Interim Finance
16 Committee. The Interim Finance Committee shall consider each
17 such recommendation, but is not bound to follow the
18 recommendation of the State Board of Examiners when determining
19 the allocation to be received by a school district.

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

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

26 (b) If a provider has not been approved by the Department of
27 Education in accordance with the No Child Left Behind Act,
28 provide supplemental services or tutoring that has been approved by
29 the Department of Education, the Legislative Bureau of Educational
30 Accountability and Program Evaluation and the Budget Division of
31 the Department of Administration as being effective in improving
32 the academic achievement of pupils.

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

36 (d) Pay for the salaries, training or other compensation of
37 teachers and other educational personnel to provide the
38 supplemental services or tutoring, instructional materials required
39 for the program, equipment necessary to offer the program and all
40 other additional operating costs attributable to the program.

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

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



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

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

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

9. Before a school district amends a plan for expenditure of an allocation of money received pursuant to this section, the school district 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.

10. 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. 25. 1. On or before August 1, 2005, the Department of Education shall prescribe a form for the summary of accountability information required of:

(a) The State Board of Education pursuant to section 2 of this act.

(b) The board of trustees of each school district pursuant to section 3 of this act.

(c) The principal of each public school pursuant to section 4 of this act.

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

Sec. 26. The information required to be reported pursuant to subparagraphs (4) and (5) of paragraph (k) subsection 1 of section 9 of this act and subparagraphs (4) and (5) of paragraph (d) of



1 subsection 2 of section 10 of this act is not required to be included
2 in the reports of the State Board of Education and the school
3 districts until the reports that are made after January 1, 2006.

4 **Sec. 27.** 1. This section and sections 11 and 25 of this act
5 become effective upon passage and approval.

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

10 3. Sections 1, 5 to 10, inclusive, 12 to 24, inclusive, and 26 of
11 this 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.



