

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. (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; requiring that fees collected pursuant to the Private Elementary and Secondary Education Authorization Act be deposited for credit to the appropriate account of the Department of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the State Board of Education and the board of trustees of
- 2 each school district must prepare and distribute an annual report of accountability.
- 3 (NRS 385.3469, 385.347) Existing law allows a school or school district to appeal a



4 designation of the school or district as demonstrating need for improvement. (NRS
5 385.366, 385.3771) Existing law requires certain portions of proficiency exams to
6 be administered to pupils in certain grades. (Section 107 of Chapter 1, Statutes of
7 Nevada 2003, 19th Special Session, page 89)

8 This bill changes the requirements for the annual report of accountability and
9 expands the school designations that may be appealed. This bill also makes changes
10 to the proficiency exam requirements, including the grade levels for administering
11 the writing and science proficiency exams.

12 Under existing law, fees collected pursuant to the Private Elementary and
13 Secondary Education Authorization Act are deposited in the State General Fund.

14 This bill requires those fees to be deposited in the appropriate account of the
15 Department of Education.

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

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

4 **Sec. 2. 1. *The State Board shall prepare a summary of the***
5 ***annual report of accountability prepared pursuant to NRS***
6 ***385.3469 that includes, without limitation, a summary of the***
7 ***following information for each school district, each charter school***
8 ***and the State as a whole:***

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

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

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

15 ***(3) With disabilities;***

16 ***(4) Who are limited English proficient; and***

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

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

21 ***(c) The transiency rate of pupils;***

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

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

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

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

28 ***(2) Possession of a weapon;***

29 ***(3) Distribution of a controlled substance;***

30 ***(4) Possession or use of a controlled substance; and***



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



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

4 (b) *Submit a copy of the summary in an electronic format to*
5 *the:*

6 (1) *Governor;*

7 (2) *Committee;*

8 (3) *Bureau;*

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

10 (5) *Board of trustees of each school district; and*

11 (6) *Governing body of each charter school.*

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

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

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

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

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

36 (c) *Other information required by the Superintendent of*
37 *Public Instruction in consultation with the Bureau.*

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

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

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

44 3. *The Department shall, in consultation with the Bureau and*
45 *the school districts, prescribe a form that contains the basic*



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

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

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

9 *(1) Governor;*

10 *(2) State Board;*

11 *(3) Department;*

12 *(4) Committee;*

13 *(5) Bureau; and*

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

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

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

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

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

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

41 *2. The summary prepared pursuant to subsection 1 must be*
42 *presented in an understandable and uniform format and, to the*
43 *extent practicable, provided in a language that parents will likely*
44 *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 principal of a school*
4 *may use an expanded form that contains additions to the form*
5 *prescribed by the Department if the basic information contained in*
6 *the expanded form complies with the form prescribed by the*
7 *Department.*

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

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

11 (1) *Department;*

12 (2) *Bureau; and*

13 (3) *Board of trustees of the school district in which the*
14 *school is located.*

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

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

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

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

40 **Sec. 6.** *In addition to the designation of a school district*
41 *pursuant to NRS 385.3771, the Department shall recognize a*
42 *school district as an exemplary turnaround school district if the*
43 *school district was designated as demonstrating need for*
44 *improvement and within 3 consecutive years after the school*



1 *district received that designation, the school district is designated*
2 *as demonstrating exemplary achievement or high achievement.*

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

4 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*
5 *sections 2 to 6, inclusive, of this act*, unless the context otherwise
6 requires, the words and terms defined in NRS 385.346 to
7 385.34675, inclusive, have the meanings ascribed to them in those
8 sections.

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

10 385.3468 The provisions of NRS 385.3455 to 385.391,
11 inclusive, *and sections 2 to 6, inclusive, of this act* do not
12 supersede, negate or otherwise limit the effect or application of
13 provisions of chapters 288 and 391 of NRS or the rights, remedies
14 and procedures afforded to employees of a school district under the
15 terms of collective bargaining agreements, memoranda of
16 understanding or other such agreements between employees and
17 their employers.

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

19 385.3469 1. The State Board shall prepare an annual report
20 of accountability that includes, without limitation:

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

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

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

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

33 (3) Pupils with disabilities;

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

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

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

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

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



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

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

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

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

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

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

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

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



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

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, 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



1 Department's own financial analysis program in complying with
2 this paragraph.

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

7 (o) The annual rate of pupils who drop out of school in grades
8 9 to 12, inclusive, reported for each school district, including,
9 without limitation, each charter school in the district, and for this
10 State as a whole, excluding pupils who:

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

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

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

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

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

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

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

31 (t) The number of pupils who are deemed habitual disciplinary
32 problems pursuant to NRS 392.4655, reported for each school
33 district, including, without limitation, each charter school in the
34 district, and for this State as a whole.

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

39 (v) The transiency rate of pupils, reported for each school
40 district, including, without limitation, each charter school in the
41 district, and for this State as a whole. For the purposes of this
42 paragraph, a pupil is not a transient if he is transferred to a different
43 school within the school district as a result of a change in the zone
44 of attendance by the board of trustees of the school district pursuant
45 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, including, without limitation, each charter school in the district, and for this State as a whole.

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

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

(1) A standard high school diploma.

(2) An adjusted diploma.

(3) A certificate of attendance.

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

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

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



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

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

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

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

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

3. The annual report of accountability must:

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

(b) Be prepared in a concise manner; and

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

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

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

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

~~[(a) Governor;~~

~~—(b) Committee;~~

~~—(c) Bureau;~~

~~—(d)] (1) Governor;~~

~~(2) Committee;~~



(3) *Bureau;*

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

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

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

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

6. As used in this section:

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

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

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

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



1 difference in the number of pupils who took the examinations and
2 the number of pupils who are enrolled in the school;

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

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

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

10 (III) Pupils with disabilities;

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

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

14 ~~[(5)]~~ (4) A comparison of the achievement of pupils in each
15 subgroup identified in paragraph (b) of subsection 1 of NRS
16 385.361 with the annual measurable objectives of the State Board;

17 ~~[(6)]~~ (5) The percentage of pupils who were not tested;

18 ~~[(7)]~~ (6) Except as otherwise provided in this paragraph, the
19 percentage of pupils who were not tested, reported separately by
20 gender and reported separately for the subgroups identified in
21 subparagraph ~~[(4)]~~ (3);

22 ~~[(8)]~~ (7) The most recent 3-year trend in pupil achievement
23 in each subject area tested and each grade level tested pursuant to
24 NRS 389.015 and 389.550, which may include information
25 regarding the trend in the achievement of pupils for more than 3
26 years, if such information is available;

27 ~~[(9)]~~ (8) Information that compares the results of pupils in
28 the school district, including, without limitation, pupils enrolled in
29 charter schools ~~[(in)]~~ *sponsored by* the district, with the results of
30 pupils throughout this State. The information required by this
31 subparagraph must be provided in consultation with the Department
32 to ensure the accuracy of the comparison; and

33 ~~[(10)]~~ (9) For each school in the district, including, without
34 limitation, each charter school ~~[(in)]~~ *sponsored by* the district,
35 information that compares the results of pupils in the school with the
36 results of pupils throughout the school district and throughout this
37 State. The information required by this subparagraph must be
38 provided in consultation with the Department to ensure the accuracy
39 of the comparison.

40 ➔ A separate reporting for a subgroup of pupils must not be made
41 pursuant to this paragraph if the number of pupils in that subgroup is
42 insufficient to yield statistically reliable information or the results
43 would reveal personally identifiable information about an individual
44 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 ~~fin~~ *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 ~~fin~~ *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 ~~fin~~ *sponsored by* the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

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

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

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, 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, 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:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:



(I) *On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and*

(II) *On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.*

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school ~~fin~~ *sponsored by* the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

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

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

(2) The curriculum used by each charter school ~~fin~~ *sponsored by* the district.

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

(1) The average daily attendance 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.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school ~~fin~~ *sponsored by* the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the 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.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district 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.

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

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

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

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

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

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

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

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

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



1 *including, without limitation, each charter school sponsored by*
2 *the district. The compilation must include:*

3 (1) The amount and sources of money received for *programs*
4 *of remedial ~~education~~ study* for each school in the district and the
5 district as a whole, including, without limitation, each charter school
6 ~~fin~~ *sponsored by* the district.

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

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

16 (t) The technological facilities and equipment available at each
17 school, including, without limitation, each charter school ~~fin~~
18 *sponsored by the district*, and the district's plan to incorporate
19 educational technology at each school.

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

23 (1) A standard high school diploma.

24 (2) An adjusted diploma.

25 (3) A certificate of attendance.

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

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

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

42 (y) Whether the school district has made adequate yearly
43 progress. If the school district has been designated as demonstrating
44 need for improvement pursuant to NRS 385.377, the report must



1 include a statement indicating the number of consecutive years the
2 school district has carried that designation.

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

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

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

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

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

20 (2) The number and percentage of all paraprofessionals who
21 do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The
22 reporting requirements of this subparagraph apply to
23 paraprofessionals who are employed in positions supported with
24 Title I money and to paraprofessionals who are not employed in
25 positions supported with Title I money.

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

34 (cc) An identification of the appropriations made by the
35 Legislature that are available to the school district or the schools
36 within the district and programs approved by the Legislature to
37 improve the academic achievement of pupils.

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

40 3. The records of attendance maintained by a school for
41 purposes of paragraph (i) of subsection 2 must include the number
42 of teachers who are in attendance at school and the number of
43 teachers who are absent from school. A teacher shall be deemed in
44 attendance if the teacher is excused from being present in the



1 classroom by the school in which he is employed for one of the
2 following reasons:

3 (a) Acquisition of knowledge or skills relating to the
4 professional development of the teacher; or

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

7 4. The annual report of accountability prepared pursuant to
8 subsection 2 must:

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

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

14 5. The Superintendent of Public Instruction shall:

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

17 (b) Provide statistical information and technical assistance to the
18 school districts to ensure that the reports provide comparable
19 information with respect to each school in each district and among
20 the districts throughout this State.

21 (c) Consult with a representative of the:

22 (1) Nevada State Education Association;

23 (2) Nevada Association of School Boards;

24 (3) Nevada Association of School Administrators;

25 (4) Nevada Parent Teacher Association;

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

27 and

28 (6) Legislative Counsel Bureau,

29 ➔ concerning the program and consider any advice or
30 recommendations submitted by the representatives with respect to
31 the program.

32 6. The Superintendent of Public Instruction may consult with
33 representatives of parent groups other than the Nevada Parent
34 Teacher Association concerning the program and consider any
35 advice or recommendations submitted by the representatives with
36 respect to the program.

37 7. On or before ~~[April 1]~~ **August 15** of each year, the board of
38 trustees of each school district shall submit to ~~[-~~

39 ~~—(a) Each~~ **each** advisory board to review school attendance
40 created in the county pursuant to NRS 392.126 the information
41 required in paragraph (g) of subsection 2.

42 ~~[(b) The Commission on Educational Technology created by~~
43 ~~NRS 388.790 the information prepared by the board of trustees~~
44 ~~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 ~~that~~ *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 ~~that~~ *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 yearly progress, as defined by the State Board pursuant to NRS 385.361.

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

3. The determination *pursuant to subsection 1 or 2, as applicable,* for a public school, including, without limitation, a



1 charter school sponsored by the board of trustees of the school
2 district, must be made in consultation with the board of trustees of
3 the school district in which the public school is located. If a charter
4 school is sponsored by the State Board, the Department shall make a
5 determination for the charter school in consultation with the State
6 Board. The determination made for each school must be based only
7 upon the information and data for those pupils who are enrolled in
8 the school for a full academic year. On or before June 15 *or June 30*
9 of each year, *as applicable*, the Department shall transmit:

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

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

15 ~~[2-]~~ 4. Except as otherwise provided in this subsection, the
16 Department shall determine that a public school has failed to make
17 adequate yearly progress if any subgroup identified in paragraph (b)
18 of subsection 1 of NRS 385.361 does not satisfy the annual
19 measurable objectives established by the State Board pursuant to
20 that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the
21 regulations adopted pursuant thereto, the State Board shall prescribe
22 by regulation the conditions under which a school shall be deemed
23 to have made adequate yearly progress even though a subgroup
24 identified in paragraph (b) of subsection 1 of NRS 385.361 did not
25 satisfy the annual measurable objectives of the State Board.

26 ~~[3-]~~ 5. In addition to the provisions of subsection ~~[2-]~~ 4, the
27 Department shall determine that a public school has failed to make
28 adequate yearly progress if:

29 (a) The number of pupils enrolled in the school who took the
30 examinations administered pursuant to NRS 389.550 or the high
31 school proficiency examination, as applicable, is less than
32 95 percent of all pupils enrolled in the school who were required to
33 take the examinations; or

34 (b) Except as otherwise provided in subsection ~~[4-]~~ 6, for each
35 subgroup of pupils identified in paragraph (b) of subsection 1 of
36 NRS 385.361, the number of pupils in the subgroup enrolled in the
37 school who took the examinations administered pursuant to NRS
38 389.550 or the high school proficiency examination, as applicable,
39 is less than 95 percent of all pupils in that subgroup enrolled in the
40 school who were required to take the examinations.

41 ~~[4-]~~ 6. If the number of pupils in a particular subgroup who are
42 enrolled in a public school is insufficient to yield statistically
43 reliable information:



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

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

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

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

~~—6.]~~ 8. As used in this section:

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

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

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

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

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



1 *issue a preliminary designation for* each public school in the school
2 district in accordance with *the criteria set forth in* NRS 385.3623,
3 excluding charter schools sponsored by the State Board. The board
4 of trustees shall make *preliminary* designations for all charter
5 schools that are sponsored by the board of trustees. The Department
6 shall make *preliminary* designations for all charter schools that are
7 sponsored by the State Board. The initial designation of a school as
8 demonstrating need for improvement must be based upon
9 2 consecutive years of data and information for that school.

10 2. ~~If the board of trustees of a school district or the~~
11 ~~Department, as applicable, determines that a public school is~~
12 ~~demonstrating need for improvement, the board of trustees or the~~
13 ~~Department shall issue a preliminary designation for that school on~~
14 ~~or before July 1.]~~ Before making a final designation for ~~the~~ *a*
15 school, the board of trustees of the school district or the Department,
16 as applicable, shall provide the school an opportunity to review the
17 data upon which the ~~proposed~~ *preliminary* designation is based
18 and to present evidence in the manner set forth in 20 U.S.C.
19 § 6316(b)(2) and the regulations adopted pursuant thereto. If the
20 school is a public school of the school district or a charter school
21 sponsored by the board of trustees, the board of trustees of the
22 school district shall, in consultation with the Department, make a
23 final determination concerning the designation for the school on
24 August 1. If the school is a charter school sponsored by the State
25 Board, the Department shall make a final determination concerning
26 the designation for the school on August 1.

27 3. On or before August 1 of each year, the Department shall
28 provide written notice of the determinations made pursuant to NRS
29 385.3613 and the *final* designations made pursuant to this section as
30 follows:

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

- 33 (1) Governor;
34 (2) State Board;
35 (3) Committee; and
36 (4) Bureau.

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

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

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

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

44 385.3771 1. The Department shall, ~~designate,~~ on or before
45 July 1 of each year, *issue a preliminary designation for* each school



1 district pursuant to NRS 385.377. The initial designation of a school
2 district as demonstrating need for improvement must be based upon
3 2 consecutive years of data and information for that school district.

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

14 3. On or before August 1 of each year, the Department shall
15 provide written notice of the determinations made pursuant to NRS
16 385.3762 and the final designations made pursuant to this section as
17 follows:

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

- 20 (1) Governor;
21 (2) State Board;
22 (3) Committee; and
23 (4) Bureau.

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

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

28 4. On or before August 1 of each year, the Department shall
29 make public the results of the review of school districts pursuant to
30 this section and disseminate the results to school personnel, parents
31 and guardians, pupils and members of the general public. The
32 publication and distribution must be made in the manner set forth in
33 20 U.S.C. § 6316(c)(1) and the regulations adopted pursuant thereto.

34 **Sec. 15.** NRS 386.605 is hereby amended to read as follows:

35 386.605 1. On or before July 15 of each year, the governing
36 body of ~~[each]~~ *a* charter school *that is sponsored by the board of*
37 *trustees of a school district* shall submit the information concerning
38 the charter school that is required pursuant to subsection 2 of NRS
39 385.347 to the board of trustees ~~[of the school district in which]~~ *that*
40 *sponsors* the charter school ~~[is located, regardless of the sponsor of~~
41 ~~the charter school.]~~ for inclusion in the report of the school district
42 pursuant to that section. The information must be submitted by the
43 charter school in a format prescribed by the board of trustees.

44 2. ~~[On or before August 15 of each year, the governing body of~~
45 ~~each charter school shall submit the information applicable to the~~



~~1 charter school that is contained in the report pursuant to paragraph~~
~~2 (t) of subsection 2 of NRS 385.347 to the Commission on~~
~~3 Educational Technology created pursuant to NRS 388.790.]~~ *On or*
4 before July 15 of each year, the governing body of a charter
5 school that is sponsored by the State Board shall submit the
6 information described in subsection 2 of NRS 385.347 to the
7 Department in a format prescribed by the Department. The
8 Department shall prepare a separate report of accountability
9 information for the charter schools sponsored by the State Board.

10 3. The Legislative Bureau of Educational Accountability and
11 Program Evaluation created pursuant to NRS 218.5356 may
12 authorize a person or entity with whom it contracts pursuant to NRS
13 385.359 to review and analyze information submitted by charter
14 schools pursuant to this section and NRS 385.357, consult with the
15 governing bodies of charter schools and submit written reports
16 concerning charter schools pursuant to NRS 385.359.

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

18 386.650 1. The Department shall establish and maintain an
19 automated system of accountability information for Nevada. The
20 system must:

21 (a) Have the capacity to provide and report information,
22 including, without limitation, the results of the achievement of
23 pupils:

24 (1) In the manner required by 20 U.S.C. §§ 6301 et seq., and
25 the regulations adopted pursuant thereto, and NRS 385.3469 and
26 385.347; and

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

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

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

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

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

39 (d) Have the capacity to perform a variety of longitudinal
40 analyses of the results of individual pupils on assessments,
41 including, without limitation, the results of pupils by classroom and
42 by school;

43 (e) Have the capacity to identify which teachers are assigned to
44 individual pupils and which paraprofessionals, if any, are assigned
45 to provide services to individual pupils;



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

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

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

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

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

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

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

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

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district 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



1 records and confidentiality of information prescribed in the
2 Individuals with Disabilities Education Act, 20 U.S.C. § 1417(c),
3 and the regulations adopted pursuant thereto.

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

10 3. In addition to the record required pursuant to 20 U.S.C. §
11 1232g(b)(4)(A), each school district *and each sponsor of a charter*
12 *school* shall maintain within the automated system of information
13 an electronic record of all persons and agencies who have requested
14 the education record of a pupil or obtained access to the education
15 record of a pupil, or both, pursuant to 20 U.S.C. § 1232g. The
16 electronic record must be maintained and may only be disclosed in
17 accordance with the provisions of 20 U.S.C. § 1232g. A charter
18 school shall provide to the ~~[school district in which the charter~~
19 ~~school is located]~~ *sponsor of the charter school* such information as
20 is necessary for the ~~[school district]~~ *sponsor* to carry out the
21 provisions of this subsection . ~~[, regardless of the sponsor of the~~
22 ~~charter school.]~~

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

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

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

30 388.795 1. The Commission shall establish a plan for the use
31 of educational technology in the public schools of this State. In
32 preparing the plan, the Commission shall consider:

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

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

36 (c) The information ~~[submitted to the Commission by the board~~
37 ~~of trustees of each school district pursuant to subsection 7 of]~~
38 *reported pursuant to paragraph (t) of subsection 2 of* NRS
39 385.347; and

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

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

44 (a) Incorporate educational technology into the public schools of
45 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 technology, subject to any priorities for such allocation established by the Legislature.

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

(1) Repair, replace and maintain computer systems.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

(1) The plan adopted by the Department; and

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

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

389.632 1. ~~[Except as otherwise provided in subsection 8, if]~~

If the Department determines:

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

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

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

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

2. If the Department determines that:



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

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

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

12 ➤ the Department shall notify the school and the school district in
13 which the school is located that the school is required to provide for
14 an additional administration of the examinations to pupils who are
15 enrolled in a grade that is required to take the examinations pursuant
16 to NRS 389.550 or to the pupils the Department determines must
17 take the additional administration pursuant to subsection 6. The
18 additional administration must occur in the same school year in
19 which the irregularity described in paragraph (b) occurred. The
20 school district shall pay for all costs related to the administration of
21 examinations pursuant to this subsection.

22 3. If the Department determines that:

23 (a) At least one irregularity in testing administration occurred at
24 a school, including, without limitation, a charter school, during 1
25 school year on the examinations administered pursuant to NRS
26 389.015, excluding the high school proficiency examination;

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

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

34 ➤ the Department shall notify the school and the school district in
35 which the school is located that the school is required to provide for
36 an additional administration of the examinations to pupils who are
37 enrolled in a grade that is required to take the examinations pursuant
38 to NRS 389.550 or to the pupils the Department determines must
39 take the additional administration pursuant to subsection 6. The
40 additional administration must occur in the same school year in
41 which the irregularity described in paragraph (b) occurred. The
42 school district shall pay for all costs related to the administration of
43 examinations pursuant to this subsection.

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



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

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

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

12 ➤ the Department shall notify the school and the school district in
13 which the school is located that the school is required to provide for
14 an additional administration of the examinations to pupils who are
15 enrolled in a grade that is required to take the examinations pursuant
16 to NRS 389.015, excluding the high school proficiency
17 examination, or to the pupils the Department determines must take
18 the additional administration pursuant to subsection 6. The
19 additional administration must occur in the same school year in
20 which the irregularity described in paragraph (b) occurred. The
21 school district shall pay for all costs related to the administration of
22 examinations pursuant to this subsection.

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

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

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

31 6. If the Department determines pursuant to subsection 5 that a
32 school must provide for an additional administration of
33 examinations, the Department may consider whether the most recent
34 irregularity in testing administration affected the test scores of a
35 limited number of pupils and require the school to provide an
36 additional administration of examinations pursuant to this section
37 only to those pupils whose test scores were affected by the most
38 recent irregularity.

39 7. The Department shall provide as many notices pursuant to
40 this section during 1 school year as are applicable to the
41 irregularities occurring at a school. A school shall provide for
42 additional administrations of examinations pursuant to this section
43 within 1 school year as applicable to the irregularities occurring at
44 the school.



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

Sec. 21. NRS 394.331 is hereby amended to read as follows:

394.331 All fees collected pursuant to the provisions of the Private Elementary and Secondary Education Authorization Act must be deposited in the State Treasury ~~[to the credit of the General Fund,]~~ *for credit to the appropriate account of the Department of Education*, and no fees so collected are subject to refund. The fees to be collected by the Superintendent must accompany an application for a license to operate or for renewal of the license, an application for an agent's permit or for renewal of the permit, or a filing for an exemption or for renewal of the exemption, in accordance with the following schedule:

1. The application fee for an elementary or secondary educational institution is \$300.

2. The renewal fee for an elementary or secondary educational institution is \$250.

3. The application fee for a new license by reason of a change of ownership is \$250.

4. The fee for an agent's permit or for renewal of the permit is \$50.

Sec. 22. Section 107 of chapter 1, Statutes of Nevada 2003, 19th Special Session, at page 89, is hereby amended to read as follows:

Sec. 107. The high school proficiency examination that measures the performance of pupils on the standards of content and performance in science must first be administered to pupils enrolled in grade ~~[44]~~ *10* in the 2007-2008 school year, who must pass the examination before the completion of grade 12 to graduate with a standard high school diploma in the ~~[2008-2009]~~ *2009-2010* school year.

Sec. 23. NRS 385.3621 is hereby repealed.

Sec. 24. 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. 25. 1. This section and sections 11 and 24 of this act become effective upon passage and approval.

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

3. Sections 1, 5 to 10, inclusive, and 12 to 23, inclusive, of 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.

