

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;*

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

35 (c) *Other information required by the Superintendent of*
36 *Public 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)(2) and the regulations*
39 *adopted pursuant thereto; and*

40 (b) *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. *The Department shall, in consultation with the Bureau and*
44 *the school districts, prescribe a form that contains the basic*
45 *information required by subsection 1. The board of trustees of a*



1 *school district may use an expanded form that contains additions*
2 *to the form prescribed by the Department if the basic information*
3 *contained in the expanded form complies with the form prescribed*
4 *by the Department.*

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

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

8 *(1) Governor;*

9 *(2) State Board;*

10 *(3) Department;*

11 *(4) Committee;*

12 *(5) Bureau; and*

13 *(6) Schools within the school district.*

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

27 *5. The board of trustees of each school district shall:*

28 *(a) Report the information required by this section for each*
29 *charter school that is located within the school district, regardless*
30 *of the sponsor of the charter school.*

31 *(b) For the information that is reported in an aggregated*
32 *format, include the data that is applicable to the charter schools*
33 *sponsored by the school district but not the charter schools that*
34 *are sponsored by the State Board.*

35 *(c) Denote separately in the report those charter schools that*
36 *are located within the school district and sponsored by the State*
37 *Board.*

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

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



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

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

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

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

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

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

20 (1) *Department;*

21 (2) *Bureau; and*

22 (3) *Board of trustees of the school district in which the*
23 *school is located.*

24 (b) *The school district in which the school is located shall*
25 *ensure that the summary is posted on the Internet website*
26 *maintained by the school, if any, or the Internet website*
27 *maintained by the school district, if any. If the summary is not*
28 *posted on the website of the school or the school district, the*
29 *school district shall otherwise provide for public dissemination of*
30 *the summary.*

31 (c) *The principal of each public school shall ensure that the*
32 *parents and legal guardians of the pupils enrolled in the school*
33 *have sufficient information concerning the availability of the*
34 *summary, including, without limitation, information that describes*
35 *how to access the summary on the Internet website, if any, and*
36 *how a parent or guardian may otherwise access the summary.*

37 (d) *The principal of each public school shall provide a written*
38 *copy of the summary to each parent and legal guardian of a pupil*
39 *enrolled in the school.*

40 **Sec. 5.** *In addition to the designation of a public school*
41 *pursuant to NRS 385.366, the board of trustees of a school district*
42 *or the Department, as applicable, shall recognize a school as an*
43 *exemplary turnaround school if the school was designated as*
44 *demonstrating need for improvement and within 3 consecutive*
45 *years after the school received that designation, the school is*



1 *designated as demonstrating exemplary achievement or high*
2 *achievement.*

3 **Sec. 6.** *In addition to the designation of a school district*
4 *pursuant to NRS 385.3771, the Department shall recognize a*
5 *school district as an exemplary turnaround school district if the*
6 *school district was designated as demonstrating need for*
7 *improvement and within 3 consecutive years after the school*
8 *district received that designation, the school district is designated*
9 *as demonstrating exemplary achievement or high achievement.*

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

11 385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and*
12 *sections 2 to 6, inclusive, of this act*, unless the context otherwise
13 requires, the words and terms defined in NRS 385.346 to
14 385.34675, inclusive, have the meanings ascribed to them in those
15 sections.

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

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

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

26 385.3469 1. The State Board shall prepare an annual report
27 of accountability that includes, without limitation:

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

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

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

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

40 (3) Pupils with disabilities;

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

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



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

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

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

10 (f) The most recent 3-year trend in the achievement of pupils in
11 each subject area tested and each grade level tested pursuant to NRS
12 389.015 and 389.550, reported for each school district, including,
13 without limitation, each charter school in the district, and for this
14 State as a whole, which may include information regarding the trend
15 in the achievement of pupils for more than 3 years, if such
16 information is available.

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

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

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

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

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

44 (1) The percentage of teachers who are:

45 (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 ~~;~~;

(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.

(I) 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



1 complying with this paragraph. If a statewide program is not
2 available, the State Board shall use the Department's own financial
3 analysis program in complying with this paragraph.

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

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

15 (o) The annual rate of pupils who drop out of school in grades
16 9 to 12, inclusive, reported for each school district, including,
17 without limitation, each charter school in the district, and for this
18 State as a whole, excluding pupils who:

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

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

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

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

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

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

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

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

43 (u) The number of pupils in each grade who are retained in the
44 same grade pursuant to NRS 392.033 or 392.125, reported for each



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

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

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

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

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

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

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

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

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

34 (1) A standard high school diploma.

35 (2) An adjusted diploma.

36 (3) A certificate of attendance.

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

42 (cc) The number of habitual truants who are reported to a school
43 police officer or local law enforcement agency pursuant to
44 paragraph (a) of subsection 2 of NRS 392.144 and the number of
45 habitual truants who are referred to an advisory board to review



1 school attendance pursuant to paragraph (b) of subsection 2 of NRS
2 392.144, reported for each school district, including, without
3 limitation, each charter school in the district, and for this State as a
4 whole.

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

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

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

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

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

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

33 3. The annual report of accountability must:

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

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

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

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

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



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

~~[(a) Governor;~~

~~—(b) Committee;~~

~~—(c) Bureau;~~

~~—(d)] (1) Governor;~~

(2) Committee;

(3) Bureau;

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

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

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

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

6. As used in this section:

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

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

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

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

(a) *Report* the information required by subsection 2 for each charter school *that is located* within the school district, regardless of the sponsor of the charter school.

(b) *For the information that is reported in an aggregated format, include the data that is applicable to the charter schools sponsored by the school district but not the charter schools that are sponsored by the State Board.*

(c) *Denote separately in the report those charter schools that are located within the school district and sponsored by the State Board.*

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

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



(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those 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 in 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)—~~ (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 the district, with the results of pupils throughout this State. The information required by this subparagraph must be



1 provided in consultation with the Department to ensure the accuracy
2 of the comparison; and

3 ~~[(40)]~~ (9) For each school in the district, including, without
4 limitation, each charter school in the district, information that
5 compares the results of pupils in the school with the results of pupils
6 throughout the school district and throughout this State. The
7 information required by this subparagraph must be provided in
8 consultation with the Department to ensure the accuracy of the
9 comparison.

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

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

24 (d) Information on the professional qualifications of teachers
25 employed by each school in the district and the district as a whole,
26 including, without limitation, each charter school in the district. The
27 information must include, without limitation:

28 (1) The percentage of teachers who are:

29 (I) Providing instruction pursuant to NRS 391.125;

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

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

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

39 (3) The percentage of classes in the core academic subjects,
40 as set forth in NRS 389.018, that are not taught by highly qualified
41 teachers, in the aggregate and disaggregated by high-poverty
42 compared to low-poverty schools, which for the purposes of this
43 subparagraph, means schools in the top quartile of poverty and the
44 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.

(e) The total expenditure per pupil for each school in the district and the district as a whole, 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, 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 in 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 in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter



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

8 (h) The annual rate of pupils who drop out of school in grades 9
9 to 12, inclusive, for each such grade, for each school in the district
10 and for the district 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 (i) Records of attendance of teachers who provide instruction,
18 for each school in the district and the district as a whole, including,
19 without limitation, each charter school in the district.

20 (j) Efforts made by the school district and by each school in the
21 district, including, without limitation, each charter school in the
22 district, to increase:

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

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

29 (k) Records of incidents involving weapons or violence for each
30 school in the district, including, without limitation, each charter
31 school in the district.

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

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

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

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



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

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

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

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

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

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

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in 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 in 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 in 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 in 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 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 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 within the district and programs approved by the Legislature to improve the academic achievement of pupils.



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

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

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

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

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

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

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

5. The Superintendent of Public Instruction shall:

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

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

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration;

and

(6) Legislative Counsel Bureau,

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

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with 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 ~~the~~



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

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

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

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

- 14 (1) Governor;
- 15 (2) State Board;
- 16 (3) Department;
- 17 (4) Committee; and
- 18 (5) Bureau.

19 (b) Provide for public dissemination of the annual report of
20 accountability prepared pursuant to subsection 2 in the manner set
21 forth in 20 U.S.C. § 6311(h)(2)(E) *by posting a copy of the report*
22 *on the Internet website maintained by the school district, if any. If*
23 *a school district does not maintain a website, the district shall*
24 *otherwise provide for public dissemination of the annual report by*
25 *providing a copy of the report* to the schools in the school district,
26 including, without limitation, each charter school in the district, the
27 residents of the district, and the parents and guardians of pupils
28 enrolled in schools in the district, including, without limitation, each
29 charter school in the district.

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

34 *10.* As used in this section:

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

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

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

40 385.3613 1. ~~[(On)]~~ *Except as otherwise provided in*
41 *subsection 2, on* or before June 15 of each year, the Department
42 shall determine whether each public school is making adequate
43 yearly progress, as defined by the State Board pursuant to
44 NRS 385.361.



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

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

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

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

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

33 ~~3.~~ 5. In addition to the provisions of subsection ~~2.~~ 4, the
34 Department shall determine that a public school has failed to make
35 adequate yearly progress if:

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

41 (b) Except as otherwise provided in subsection ~~4.~~ 6, for each
42 subgroup of pupils identified in paragraph (b) of subsection 1 of
43 NRS 385.361, the number of pupils in the subgroup enrolled in the
44 school who took the examinations administered pursuant to NRS
45 389.550 or the high school proficiency examination, as applicable,



1 is less than 95 percent of all pupils in that subgroup enrolled in the
2 school who were required to take the examinations.

3 ~~[4.]~~ 6. If the number of pupils in a particular subgroup who are
4 enrolled in a public school is insufficient to yield statistically
5 reliable information:

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

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

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

15 ~~[5.]~~ 7. If an irregularity in testing administration or an
16 irregularity in testing security occurs at a school and the irregularity
17 invalidates the test scores of pupils, those test scores must ~~[not]~~ be
18 included in the scores of pupils reported for the school, ~~[and]~~ the
19 attendance of those pupils must ~~[not]~~ be counted towards the total
20 number of pupils who took the examinations ~~[but]~~ *and the pupils*
21 must be included in the total number of pupils who were required to
22 take the examinations. ~~[If the pupils take an additional~~
23 ~~administration of the examinations during the same school year, the~~
24 ~~scores of pupils on those examinations must not be included in the~~
25 ~~scores of pupils reported for the school.~~

26 ~~—6.]~~ 8. As used in this section:

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

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

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

32 385.3622 If the Department determines that a public school has
33 failed to make adequate yearly progress pursuant to subsection ~~[3.]~~ 5
34 of NRS 385.3613:

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

43 2. The school is not required to adopt a program of remedial
44 study pursuant to NRS 385.389 and is not eligible to receive money



1 for remedial programs made available by legislative appropriation
2 for the purposes of NRS 385.389.

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

4 385.366 1. Based upon the information received from the
5 Department pursuant to NRS 385.3613, the board of trustees of each
6 school district shall ~~, [designate,]~~ on or before July 1 of each year,
7 *issue a preliminary designation for* each public school in the school
8 district in accordance with *the criteria set forth in* NRS 385.3623,
9 excluding charter schools sponsored by the State Board. The board
10 of trustees shall make *preliminary* designations for all charter
11 schools that are sponsored by the board of trustees. The Department
12 shall make *preliminary* designations for all charter schools that are
13 sponsored by the State Board. The initial designation of a school as
14 demonstrating need for improvement must be based upon
15 2 consecutive years of data and information for that school.

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

33 3. On or before August 1 of each year, the Department shall
34 provide written notice of the determinations made pursuant to NRS
35 385.3613 and the *final* designations made pursuant to this section as
36 follows:

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

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

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

- 45 (1) Superintendent of schools of the school district; and



1 (2) Board of trustees of the school district.

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

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

5 385.3771 1. The Department shall, ~~[designate,]~~ on or before
6 July 1 of each year, *issue a preliminary designation for* each school
7 district pursuant to NRS 385.377. The initial designation of a school
8 district as demonstrating need for improvement must be based upon
9 2 consecutive years of data and information for that school district.

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

20 3. On or before August 1 of each year, the Department shall
21 provide written notice of the determinations made pursuant to NRS
22 385.3762 and the final designations made pursuant to this section as
23 follows:

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

- 26 (1) Governor;
27 (2) State Board;
28 (3) Committee; and
29 (4) Bureau.

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

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

34 4. On or before August 1 of each year, the Department shall
35 make public the results of the review of school districts pursuant to
36 this section and disseminate the results to school personnel, parents
37 and guardians, pupils and members of the general public. The
38 publication and distribution must be made in the manner set forth in
39 20 U.S.C. § 6316(c)(1) and the regulations adopted pursuant thereto.

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

41 386.605 1. On or before July 15 of each year, the governing
42 body of ~~[each]~~ a charter school *that is sponsored by the board of*
43 *trustees of a school district* shall submit the information concerning
44 the charter school that is required pursuant to subsection 2 of NRS
45 385.347 to the board of trustees ~~[of the school district in which]~~ *that*



1 *sponsors* the charter school ~~[is located, regardless of the sponsor of~~
2 ~~the charter school,]~~ for inclusion in the report of the school district
3 pursuant to that section. The information must be submitted by the
4 charter school in a format prescribed by the board of trustees.

5 2. ~~[On or before August 15 of each year, the governing body of~~
6 ~~each charter school shall submit the information applicable to the~~
7 ~~charter school that is contained in the report pursuant to paragraph~~
8 ~~(t) of subsection 2 of NRS 385.347 to the Commission on~~
9 ~~Educational Technology created pursuant to NRS 388.790.]~~ *On or*
10 *before July 15 of each year, the governing body of a charter*
11 *school that is sponsored by the State Board shall submit*
12 *the information described in subsection 2 of NRS 385.347 to the*
13 *Department in a format prescribed by the Department. The*
14 *Department shall forward the information to the school district in*
15 *which the charter school is located for inclusion in the summary*
16 *that is prepared by the school district pursuant to section 3 of this*
17 *act and the report that is prepared by the school district pursuant*
18 *to NRS 385.347.*

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.** NRS 394.331 is hereby amended to read as follows:

18 394.331 All fees collected pursuant to the provisions of the
19 Private Elementary and Secondary Education Authorization Act
20 must be deposited in the State Treasury ~~[to the credit of the General~~
21 ~~Fund.]~~ *for credit to the appropriate account of the Department of*
22 *Education*, and no fees so collected are subject to refund. The fees
23 to be collected by the Superintendent must accompany an
24 application for a license to operate or for renewal of the license, an
25 application for an agent's permit or for renewal of the permit, or a
26 filing for an exemption or for renewal of the exemption, in
27 accordance with the following schedule:

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

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

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

34 4. The fee for an agent's permit or for renewal of the permit is
35 \$50.

36 **Sec. 22.** Section 107 of chapter 1, Statutes of Nevada 2003,
37 19th Special Session, at page 89, is hereby amended to read as
38 follows:

39 Sec. 107. The high school proficiency examination that
40 measures the performance of pupils on the standards of
41 content and performance in science must first be administered
42 to pupils enrolled in grade ~~[11]~~ *10* in the 2007-2008 school
43 year, who must pass the examination before the completion of
44 grade 12 to graduate with a standard high school diploma in
45 the ~~[2008-2009]~~ *2009-2010* school year.



1 **Sec. 23.** NRS 385.3621 is hereby repealed.

2 **Sec. 24.** 1. On or before August 1, 2005, the Department of
3 Education shall prescribe a form for the summary of accountability
4 information required of:

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

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

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

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

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

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

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



