

ASSEMBLY BILL NO. 397—ASSEMBLYWOMAN GIUNCHIGLIANI

MARCH 24, 2005

Referred to Committee on Education

SUMMARY—Revises provisions governing diplomas and high school proficiency examination. (BDR 34-131)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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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; removing the requirement that a pupil pass the high school proficiency examination as a condition to receipt of a high school diploma; designating the types of diplomas that may be issued to pupils; requiring the State Board of Education to prescribe alternative criteria for receipt of an advanced diploma; requiring homeschooled children to take certain achievement and proficiency examinations; and providing other matters properly relating thereto.

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

**Section 1.** NRS 385.3469 is hereby amended to read as follows:

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

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

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



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

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

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

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

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

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

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

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

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

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

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

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



1 secondary school, reported for each school district and for this State  
2 as a whole.

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

8 (1) The percentage of teachers who are:

9 (I) Providing instruction pursuant to NRS 391.125;

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

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

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

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

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

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

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

44 (o) The annual rate of pupils who drop out of school in grades 9  
45 to 12, inclusive, reported for each school district, including, without



1 limitation, each charter school in the district, and for this State as a  
2 whole, excluding pupils who:

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

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

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

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

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

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

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

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

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

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

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

40 (x) The amount and sources of money received by this State for  
41 remedial education.

42 (y) The percentage of pupils who graduated from a high school  
43 or charter school in the immediately preceding year and enrolled in  
44 remedial courses in reading, writing or mathematics at a university  
45 or community college within the University and Community



1 College System of Nevada, reported for each school district,  
2 including, without limitation, each charter school in the district, and  
3 for this State as a whole.

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

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

11 (1) *An advanced high school diploma.*

12 (2) A standard high school diploma.

13 ~~[(2)]~~ (3) An adjusted *high school* diploma.

14 ~~[(3)]~~ (4) A certificate of attendance.

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

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

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

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

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

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



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

3. The annual report of accountability must:

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

(b) Be prepared in a concise manner; and

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

4. On or before September 1 of each year, the State Board shall provide for public dissemination of the annual report of accountability and submit a copy of the report to the:

(a) Governor;

(b) Committee;

(c) Bureau;

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

(e) Board of trustees of each school district; and

(f) Governing body of each charter school.

5. 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. 2.** NRS 385.347 is hereby amended to read as follows:

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

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

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



(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those 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) 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) 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) 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) The percentage of pupils who were not tested;

(7) 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);

(8) 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) 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 (10) 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.





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

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

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

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

(3) Withdraw from school to attend another school.

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

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

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



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

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

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

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

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

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

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

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

(r) The amount and sources of money received for remedial education for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(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) *An advanced high school diploma.*

(2) A standard high school diploma.

~~[(2)]~~ (3) An adjusted *high school* diploma.

~~[(3)]~~ (4) 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 in 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



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

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

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

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

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

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

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

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

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

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

35 5. The Superintendent of Public Instruction shall:

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

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

42 (c) Consult with a representative of the:

43 (1) Nevada State Education Association;

44 (2) Nevada Association of School Boards;

45 (3) Nevada Association of School Administrators;



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

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

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

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

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

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

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

23 (a) Submit the report required pursuant to subsection 2 to the:

- 24 (1) Governor;  
25 (2) State Board;  
26 (3) Department;  
27 (4) Committee; and  
28 (5) Bureau.

29 (b) Provide for public dissemination of the annual report of  
30 accountability prepared pursuant to subsection 2 in the manner set  
31 forth in 20 U.S.C. § 6311(h)(2)(E) to the schools in the school  
32 district, including, without limitation, each charter school in the  
33 district, the residents of the district, and the parents and guardians of  
34 pupils enrolled in schools in the district, including, without  
35 limitation, each charter school in the district.

36 9. As used in this section:

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

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

41 **Sec. 3.** Chapter 389 of NRS is hereby amended by adding  
42 thereto the provisions set forth as sections 4 and 5 of this act.

43 **Sec. 4. 1. *A pupil may receive a high school diploma***  
44 ***designated as an advanced diploma if he satisfies the requirements***  
45 ***for graduation from high school and he:***



1 (a) Passes the high school proficiency examination  
2 administered pursuant to NRS 389.015; or

3 (b) Satisfies the alternative criteria prescribed by the State  
4 Board pursuant to subsection 5.

5 2. A pupil may receive a high school diploma designated as a  
6 standard diploma if he does not satisfy the criteria for receipt of an  
7 advanced diploma but otherwise satisfies the requirements for  
8 graduation from high school.

9 3. A pupil with a disability who does not satisfy the  
10 requirements for receipt of an advanced high school diploma or a  
11 standard high school diploma may receive a diploma designated as  
12 an adjusted diploma if he satisfies the requirements set forth in his  
13 individualized education program. As used in this subsection,  
14 "individualized education program" has the meaning ascribed to it  
15 in 20 U.S.C. § 1414(d)(1)(A).

16 4. A pupil who does not satisfy the requirements for receipt of  
17 a high school diploma may receive a certificate of attendance in  
18 lieu of a diploma if he has reached the age of 17 years. The school  
19 in which the pupil is enrolled shall allow the pupil to participate in  
20 the graduation ceremony of the school to receive his certificate of  
21 attendance.

22 5. The State Board shall adopt regulations that prescribe  
23 alternative criteria for receipt of an advanced high school  
24 diploma, including, without limitation, administration of an oral  
25 examination or evaluation of a portfolio of a pupil's work, or both.

26 6. A pupil who satisfies the:

27 (a) Alternative criteria prescribed by the State Board for  
28 receipt of an advanced high school diploma;

29 (b) Requirements for receipt of a standard high school  
30 diploma; or

31 (c) Requirements for receipt of an adjusted diploma,  
32 ➡ is not exempt from taking the high school proficiency  
33 examination administered pursuant to NRS 389.015 for the  
34 purpose of measuring the adequate yearly progress of the school  
35 and the school district in which the pupil is enrolled as set forth in  
36 NRS 385.361, unless he is otherwise exempt in accordance with  
37 the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.

38 **Sec. 5. 1.** If a person is enrolled in an adult high school  
39 diploma program approved by the Department and the person fails  
40 one or more portions of the high school proficiency examination,  
41 there is no limitation on the number of times that the person may  
42 retake the portion or portions of the examination that he failed to  
43 pass.

44 2. A person who is enrolled in an adult high school diploma  
45 program approved by the Department must be allowed to take and



*retake the high school proficiency examination or any portion or portions of the examination that he failed to pass, regardless of his age.*

**Sec. 6.** NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Except as otherwise provided in subsection 6, science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

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

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

(1) The plan adopted by the Department; and

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

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of



1 the examinations, the superintendent of schools of each school  
2 district shall certify that the results of the examinations have been  
3 transmitted to each school within the school district. Except as  
4 otherwise provided in this subsection, not more than 15 working  
5 days after each school receives the results of the examinations, the  
6 principal of each school and the governing body of each charter  
7 school shall certify that the results for each pupil have been  
8 provided to the parent or legal guardian of the pupil:

9 (a) During a conference between the teacher of the pupil or  
10 administrator of the school and the parent or legal guardian of the  
11 pupil; or

12 (b) By mailing the results of the examinations to the last known  
13 address of the parent or legal guardian of the pupil.

14 ➡ If a pupil fails the high school proficiency examination, the  
15 school shall notify the pupil and the parents or legal guardian of the  
16 pupil as soon as practicable but not later than 15 working days after  
17 the school receives the results of the examination.

18 4. If a pupil fails to demonstrate at least adequate achievement  
19 on the examination administered before the completion of grade 4, 7  
20 or 10, he may be promoted to the next higher grade, but the results  
21 of his examination must be evaluated to determine what remedial  
22 study is appropriate. If such a pupil is enrolled at a school that has  
23 failed to make adequate yearly progress or in which less than 60  
24 percent of the pupils enrolled in grade 4, 7 or 10 in the school who  
25 took the examinations administered pursuant to this section received  
26 an average score on those examinations that is at least equal to the  
27 26th percentile of the national reference group of pupils to which  
28 the examinations were compared, the pupil must, in accordance with  
29 the requirements set forth in this subsection, complete remedial  
30 study that is determined to be appropriate for the pupil.

31 5. If a pupil fails to pass the *high school* proficiency  
32 examination ~~{administered before the completion of grade 11, he~~  
33 ~~must not be graduated until he is able, through remedial study, to~~  
34 ~~pass the proficiency examination, but he may be given a certificate~~  
35 ~~of attendance, in place of a diploma, if he has reached the age of 17~~  
36 ~~years.}~~ , *the pupil may retake the portion or portions of the*  
37 *examination that he failed and must not be required to retake the*  
38 *portion or portions that he passed.*

39 6. The State Board shall prescribe standard examinations of  
40 achievement and proficiency to be administered pursuant to  
41 subsection 1. The high school proficiency examination must include  
42 the subjects of reading and mathematics and, except for the writing  
43 portion prescribed pursuant to NRS 389.550, must be developed,  
44 printed and scored by a nationally recognized testing company in  
45 accordance with the process established by the testing company.





1 The examinations on reading, mathematics and science prescribed  
2 for grades 4, 7 and 10 must be selected from examinations created  
3 by private entities and administered to a national reference group,  
4 and must allow for a comparison of the achievement and proficiency  
5 of pupils in grades 4, 7 and 10 in this State to that of a national  
6 reference group of pupils in grades 4, 7 and 10. The questions  
7 contained in the examinations and the approved answers used for  
8 grading them are confidential, and disclosure is unlawful except:

9 (a) To the extent necessary for administering and evaluating the  
10 examinations.

11 (b) That a disclosure may be made to a:

12 (1) State officer who is a member of the Executive or  
13 Legislative Branch to the extent that it is necessary for the  
14 performance of his duties;

15 (2) Superintendent of schools of a school district to the  
16 extent that it is necessary for the performance of his duties;

17 (3) Director of curriculum of a school district to the extent  
18 that it is necessary for the performance of his duties; and

19 (4) Director of testing of a school district to the extent that it  
20 is necessary for the performance of his duties.

21 (c) That specific questions and answers may be disclosed if the  
22 Superintendent of Public Instruction determines that the content of  
23 the questions and answers is not being used in a current examination  
24 and making the content available to the public poses no threat to the  
25 security of the current examination process.

26 **Sec. 7.** NRS 389.015 is hereby amended to read as follows:

27 389.015 1. The board of trustees of each school district shall  
28 administer examinations in all public schools of the school district.  
29 The governing body of a charter school shall administer the same  
30 examinations in the charter school. The examinations administered  
31 by the board of trustees and governing body must determine the  
32 achievement and proficiency of pupils in:

33 (a) Reading;

34 (b) Mathematics; and

35 (c) Science.

36 2. The examinations required by subsection 1 must be:

37 (a) Administered before the completion of grades 4, 7, 10  
38 and 11.

39 (b) Administered in each school district and each charter school  
40 at the same time during the spring semester. The time for the  
41 administration of the examinations must be prescribed by the State  
42 Board.

43 (c) Administered in each school in accordance with uniform  
44 procedures adopted by the State Board. The Department shall



1 monitor the compliance of school districts and individual schools  
2 with the uniform procedures.

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

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

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

14 (e) Scored by a single private entity that has contracted with the  
15 State Board to score the examinations. The private entity that scores  
16 the examinations shall report the results of the examinations in the  
17 form and by the date required by the Department.

18 3. Not more than 14 working days after the results of the  
19 examinations are reported to the Department by a private entity that  
20 scored the examinations, the Superintendent of Public Instruction  
21 shall certify that the results of the examinations have been  
22 transmitted to each school district and each charter school. Not more  
23 than 10 working days after a school district receives the results of  
24 the examinations, the superintendent of schools of each school  
25 district shall certify that the results of the examinations have been  
26 transmitted to each school within the school district. Except as  
27 otherwise provided in this subsection, not more than 15 working  
28 days after each school receives the results of the examinations, the  
29 principal of each school and the governing body of each charter  
30 school shall certify that the results for each pupil have been  
31 provided to the parent or legal guardian of the pupil:

32 (a) During a conference between the teacher of the pupil or  
33 administrator of the school and the parent or legal guardian of the  
34 pupil; or

35 (b) By mailing the results of the examinations to the last known  
36 address of the parent or legal guardian of the pupil.

37 ➤ If a pupil fails the high school proficiency examination, the  
38 school shall notify the pupil and the parents or legal guardian of the  
39 pupil as soon as practicable but not later than 15 working days after  
40 the school receives the results of the examination.

41 4. If a pupil fails to demonstrate at least adequate achievement  
42 on the examination administered before the completion of grade 4, 7  
43 or 10, he may be promoted to the next higher grade, but the results  
44 of his examination must be evaluated to determine what remedial  
45 study is appropriate. If such a pupil is enrolled at a school that has



1 failed to make adequate yearly progress or in which less than 60  
2 percent of the pupils enrolled in grade 4, 7 or 10 in the school who  
3 took the examinations administered pursuant to this section received  
4 an average score on those examinations that is at least equal to the  
5 26th percentile of the national reference group of pupils to which  
6 the examinations were compared, the pupil must, in accordance with  
7 the requirements set forth in this subsection, complete remedial  
8 study that is determined to be appropriate for the pupil.

9 5. If a pupil fails to pass the *high school* proficiency  
10 examination ~~[administered before the completion of grade 11, he~~  
11 ~~must not be graduated until he is able, through remedial study, to~~  
12 ~~pass the proficiency examination, but he may be given a certificate~~  
13 ~~of attendance, in place of a diploma, if he has reached the age of 17~~  
14 ~~years.]~~ , *the pupil may retake the portion or portions of the*  
15 *examination that he failed and must not be required to retake the*  
16 *portion or portions that he passed.*

17 6. The State Board shall prescribe standard examinations of  
18 achievement and proficiency to be administered pursuant to  
19 subsection 1. The high school proficiency examination must include  
20 the subjects of reading, mathematics and science and, except for the  
21 writing portion prescribed pursuant to NRS 389.550, must be  
22 developed, printed and scored by a nationally recognized testing  
23 company in accordance with the process established by the testing  
24 company. The examinations on reading, mathematics and science  
25 prescribed for grades 4, 7 and 10 must be selected from  
26 examinations created by private entities and administered to a  
27 national reference group, and must allow for a comparison of the  
28 achievement and proficiency of pupils in grades 4, 7 and 10 in this  
29 State to that of a national reference group of pupils in grades 4, 7  
30 and 10. The questions contained in the examinations and the  
31 approved answers used for grading them are confidential, and  
32 disclosure is unlawful except:

33 (a) To the extent necessary for administering and evaluating the  
34 examinations.

35 (b) That a disclosure may be made to a:

36 (1) State officer who is a member of the Executive or  
37 Legislative Branch to the extent that it is necessary for the  
38 performance of his duties;

39 (2) Superintendent of schools of a school district to the  
40 extent that it is necessary for the performance of his duties;

41 (3) Director of curriculum of a school district to the extent  
42 that it is necessary for the performance of his duties; and

43 (4) Director of testing of a school district to the extent that it  
44 is necessary for the performance of his duties.



(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

**Sec. 8.** NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the high school proficiency examination for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the examination, including, without limitation, an explanation that if the pupil fails the examination he is not eligible to receive *an advanced high school diploma or* a standard high school diploma;

(b) Subject areas tested on the examination;

(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;

(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;

(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;

(f) Maximum number of times that a pupil is allowed to take the examination if he fails to pass the examination after the first administration;

(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and

(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the examination.

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle



1 school, high school or charter school shall ensure that the teachers,  
2 counselors and administrators employed at the school fully  
3 understand the contents of the pamphlet.

4 5. On or before January 15, the:

5 (a) Board of trustees of each school district shall provide a copy  
6 of the pamphlet to each pupil who is enrolled in a junior high,  
7 middle school or high school of the school district and to the parents  
8 or legal guardians of such a pupil.

9 (b) Governing body of each charter school shall provide a copy  
10 of the pamphlet to each pupil who is enrolled in the charter school at  
11 a junior high, middle school or high school grade level and to the  
12 parents or legal guardians of such a pupil.

13 **Sec. 9.** NRS 392.070 is hereby amended to read as follows:

14 392.070 1. Attendance required by the provisions of NRS  
15 392.040 must be excused when satisfactory written evidence is  
16 presented to the board of trustees of the school district in which the  
17 child resides that the child is receiving at home or in some other  
18 school equivalent instruction of the kind and amount approved by  
19 the State Board. *As a condition to excusing a homeschooled child*  
20 *from compulsory attendance, the board of trustees of the school*  
21 *district shall require:*

22 (a) *The child to take the achievement and proficiency*  
23 *examinations administered pursuant to NRS 389.015, excluding*  
24 *the high school proficiency examination, if the grade level in*  
25 *which those examinations are administered is commensurate with*  
26 *the grade level in which the child receives instruction at home.*

27 (b) *That the results of the achievement and proficiency*  
28 *examinations administered to the child be submitted to the*  
29 *Department.*

30 *↪ The State Board shall adopt regulations governing the*  
31 *administration of the achievement and proficiency examinations,*  
32 *excluding the high school proficiency examination, to*  
33 *homeschooled children to ensure the confidentiality and security*  
34 *of the examinations.*

35 2. The board of trustees of each school district shall provide  
36 programs of special education and related services for  
37 homeschooled children. The programs of special education and  
38 related services required by this section must be made available:

39 (a) Only if a child would otherwise be eligible for participation  
40 in programs of special education and related services pursuant to  
41 NRS 388.440 to 388.520, inclusive;

42 (b) In the same manner that the board of trustees provides, as  
43 required by 20 U.S.C. § 1412, for the participation of pupils with  
44 disabilities who are enrolled in private schools within the school  
45 district voluntarily by their parents or legal guardians; and



(c) In accordance with the same requirements set forth in 20 U.S.C. § 1412 which relate to the participation of pupils with disabilities who are enrolled in private schools within the school district voluntarily by their parents or legal guardians.

3. Except as otherwise provided in subsection 2 for programs of special education and related services, upon the request of a parent or legal guardian of a child who is enrolled in a private school or a parent or legal guardian of a homeschooled child, the board of trustees of the school district in which the child resides shall authorize the child to participate in a class that is not available to the child at the private school or home school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the child in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the child is qualified to participate in the class or extracurricular activity.

➤ If the board of trustees of a school district authorizes a child to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the child to attend the class or activity. A homeschooled child must be allowed to participate in interscholastic activities and events pursuant to NRS 386.420 to 386.470, inclusive.

4. The board of trustees of a school district may revoke its approval for a pupil to participate in a class or extracurricular activity at a public school pursuant to subsection 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees. If the board of trustees revokes its approval, neither the board of trustees nor the public school are liable for any damages relating to the denial of services to the pupil.

5. The programs of special education and related services required by subsection 2 may be offered at a public school or another location that is appropriate.

6. The Department may adopt such regulations as are necessary for the boards of trustees of school districts to provide the programs of special education and related services required by subsection 2.

7. As used in this section, "related services" has the meaning ascribed to it in 20 U.S.C. § 1401(22).

**Sec. 10.** NRS 396.930 is hereby amended to read as follows:

396.930 1. Except as otherwise provided in subsections 2 and 3, a student may apply to the Board of Regents for a millennium scholarship if he:



(a) Has been a resident of this State for at least 2 years before he applies for the scholarship;

(b) Except as otherwise provided in paragraph (c), graduated from a public or private high school in this State:

(1) After May 1, 2000, but not later than May 1, 2003; or

(2) After May 1, 2003, and, except as otherwise provided in paragraph (c) of subsection 2, not more than 6 years before he applies for the scholarship;

(c) Does not satisfy the requirements of paragraph (b) and:

(1) Was enrolled as a pupil in a public or private high school in this State with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

(2) Received his high school diploma within 4 years after he was regularly scheduled to graduate; and

(3) Applies for the scholarship not more than 6 years after he was regularly scheduled to graduate from high school;

(d) Maintained in high school in the courses designated by the Board of Regents pursuant to paragraph (b) of subsection 2, at least:

(1) A 3.0 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2003 or 2004;

(2) A 3.1 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2005 or 2006; or

(3) A 3.25 grade point average on a 4.0 grading scale, if he was a member of the graduating class of 2007 or a later graduating class; and

(e) Is enrolled in at least:

(1) Six semester credit hours in a community college within the System; or

(2) Twelve semester credit hours in another eligible institution.

2. The Board of Regents:

(a) Shall define the core curriculum that a student must complete in high school to be eligible for a millennium scholarship. *Eligibility for a millennium scholarship must not be conditioned upon passage of the high school proficiency examination that is administered pursuant to NRS 389.015.*

(b) Shall designate the courses in which a student must earn the minimum grade point averages set forth in paragraph (d) of subsection 1.

(c) May establish criteria with respect to students who have been on active duty serving in the Armed Forces of the United States to exempt such student from the 6-year limitation on applications that is set forth in subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in paragraph (c) of subsection 1, for students who did not graduate from a public or private high



1 school in this State and who have been residents of this State for at  
2 least 2 years, the Board of Regents shall establish:

3 (a) The minimum score on a standardized test that such students  
4 must receive; or

5 (b) Other criteria that students must meet,  
6 ➔ to be eligible for millennium scholarships.

7 4. In awarding scholarships, the Board of Regents shall  
8 enhance its outreach to students who:

9 (a) Are pursuing a career in education or health care;

10 (b) Come from families who lack sufficient financial resources  
11 to pay for the costs of sending their children to an eligible  
12 institution; or

13 (c) Substantially participated in an antismoking, antidrug or  
14 antialcohol program during high school.

15 **Sec. 11.** Section 107 of chapter 1, Statutes of Nevada 2003,  
16 19th Special Session, at page 89, is hereby amended to read as  
17 follows:

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

25 **Sec. 12.** On or before February 1, 2006, the State Board of  
26 Education shall prescribe, in accordance with section 4 of this act,  
27 alternative criteria for receipt of an advanced high school diploma,  
28 which must be effective for the 2006-2007 school year and  
29 thereafter.

30 **Sec. 13.** Notwithstanding the provisions of NRS 389.015 to  
31 the contrary, if a pupil who is classified as a senior in high school  
32 during the 2004-2005 school year or the 2005-2006 school year  
33 fulfilled the requirements for a standard high school diploma except  
34 that he did not receive a passing score on the high school  
35 proficiency examination on the final administration of the  
36 examination in the applicable school year:

37 1. The school in which the pupil is enrolled shall allow the pupil  
38 to participate in the graduation ceremony of his high school in 2005  
39 or 2006, as applicable; and

40 2. The pupil must be awarded a standard high school diploma.

41 ➔ If such a pupil has been given a certificate of attendance before  
42 the effective date of this act, he must be awarded a standard high  
43 school diploma to replace the certificate of attendance.

44 **Sec. 14.** 1. This section and section 13 of this act become  
45 effective upon passage and approval.





- 1       2. Sections 3, 5, 6, 9 and 12 of this act become effective on  
2 July 1, 2005.
- 3       3. Section 4 of this act becomes effective on July 1, 2005, for  
4 the purpose of adopting regulations and on July 1, 2006, for all other  
5 purposes.
- 6       4. Sections 1, 2, 8, 10 and 11 of this act become effective on  
7 July 1, 2006.
- 8       5. Section 6 of this act expires by limitation on June 30, 2007.
- 9       6. Section 7 of this act becomes effective on July 1, 2007.







