

ASSEMBLY BILL NO. 513—COMMITTEE ON EDUCATION

MARCH 29, 2005

Referred to Committee on Education

SUMMARY—Revises provisions governing high school proficiency examination and requires reporting of certain information regarding high school teachers for math and science. (BDR 34-1353)

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; requiring each public high school to prepare an annual report that includes certain information regarding teachers who provide instruction in the subject areas of mathematics and science and the results of pupils in those subject areas on the high school proficiency examination; requiring each school district and the Department of Education to compile and summarize the reports; revising provisions governing the high school proficiency examination; 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. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *On or before July 1 of each year, the principal of each high school shall submit a report to the board of trustees of the school district that includes for the immediately preceding school year:*

1. The number of teachers employed at the school who are providing instruction in the subject areas of mathematics and



1 *science without the appropriate endorsement in the applicable*
2 *subject area, identified by subject area and grade level.*

3 2. *The number of substitute teachers hired to teach at the*
4 *school in the subject areas of mathematics and science on a long-*
5 *term basis, identified by subject area and grade level. As used in*
6 *this subsection, a substitute teacher is hired on a long-term basis if*
7 *he provides instruction at a school for more than 20 consecutive*
8 *school days in 1 school year.*

9 3. *The total number of substitute teachers hired to teach at*
10 *the school in the subject areas of mathematics and science,*
11 *identified by subject area and grade level.*

12 4. *The results of pupils enrolled in the school on the high*
13 *school proficiency examination in the subject area of mathematics*
14 *and, for each report that is made after July 1, 2007, the subject*
15 *areas of mathematics and science, identified by subject area and*
16 *grade level. The report of results must include:*

17 (a) *The average score of pupils on the high school proficiency*
18 *examination in mathematics and after July 1, 2007, mathematics*
19 *and science;*

20 (b) *The percentage of pupils enrolled in the school who passed*
21 *the high school proficiency examination; and*

22 (c) *The percentage of pupils enrolled in the school who failed*
23 *to pass the mathematics portion of the examination and after*
24 *July 1, 2007, the mathematics or science portion of the*
25 *examination, or both.*

26 5. *The mathematics and science curriculum required of*
27 *pupils enrolled in the high school and the mathematics and*
28 *science courses offered to pupils at the school.*

29 **Sec. 3. 1.** *The board of trustees of each school district*
30 *shall:*

31 (a) *Compile, review and analyze the reports received from the*
32 *high schools within the school district pursuant to section 2 of this*
33 *act;*

34 (b) *Based upon the review and analysis, prepare a preliminary*
35 *written report that includes a summary of the information*
36 *contained in the reports;*

37 (c) *Provide the preliminary report to a recognized employee*
38 *organization representing licensed educational personnel within*
39 *the school district for the review and input of that organization;*
40 *and*

41 (d) *Based upon the review and input of that employee*
42 *organization, prepare a final written report that includes a*
43 *summary of the information contained in the reports.*



2. On or before September 1 of each year, the board of trustees of each school district shall submit the final written report prepared pursuant to subsection 1 to the Department.

Sec. 4. 1. The Department shall compile, review and analyze the written reports received from the school districts pursuant to section 3 of this act.

2. Based upon its review and analysis, the Department shall prepare a written summary of the reports and submit, on or before November 1 of each year, the written summary, including any recommendations, to:

(a) The State Board;

(b) The Legislative Committee on Education; and

(c) The Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.

Sec. 5. 1. If a version of the high school proficiency examination or individual questions from the high school proficiency examination that are not being used for the current administration of the examination are made available for release to the public, the Department shall provide for the public dissemination of the released examinations and questions by:

(a) Posting a copy of the released examinations or the individual questions on the Internet website maintained by the Department;

(b) Providing notice of the availability of the released examinations or individual questions to the board of trustees of each school district and the governing body of each charter school;

(c) Providing notice of the availability of the released examinations to at least one newspaper in each county of this State that is of general circulation in that county; and

(d) Providing copies of the released examinations or individual questions upon request.

2. The board of trustees of each school district and the governing body of each charter school shall ensure that the:

(a) Licensed educational personnel employed by the school district or charter school, as applicable;

(b) Pupils enrolled in the school district or charter school, as applicable; and

(c) Parents and guardians of those pupils,
→ are provided with adequate notice of the availability of the released examinations or individual questions and the manner by which copies of those examinations or questions may be obtained.

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.



1 The governing body of a charter school shall administer the same
2 examinations in the charter school. The examinations administered
3 by the board of trustees and governing body must determine the
4 achievement and proficiency of pupils in:

5 (a) Reading;

6 (b) Mathematics; and

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

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

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

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

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

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

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

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

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

34 3. Not more than 14 working days after the results of the
35 examinations are reported to the Department by a private entity that
36 scored the examinations, the Superintendent of Public Instruction
37 shall certify that the results of the examinations have been
38 transmitted to each school district and each charter school. Not more
39 than 10 working days after a school district receives the results of
40 the examinations, the superintendent of schools of each school
41 district shall certify that the results of the examinations have been
42 transmitted to each school within the school district. Except as
43 otherwise provided in this subsection, not more than 15 working
44 days after each school receives the results of the examinations, the
45 principal of each school and the governing body of each charter



1 school shall certify that the results for each pupil have been
2 provided to the parent or legal guardian of the pupil:

3 (a) During a conference between the teacher of the pupil or
4 administrator of the school and the parent or legal guardian of the
5 pupil; or

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

8 ➔ If a pupil fails the high school proficiency examination, the
9 school shall notify the pupil and the parents or legal guardian of the
10 pupil as soon as practicable but not later than 15 working days after
11 the school receives the results of the examination.

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

25 5. If a pupil fails to pass the *high school* proficiency
26 examination ~~administered before the completion of grade 11, he~~
27 ~~must~~, *the pupil:*

28 (a) *Must* not be graduated until he is able, through remedial
29 study, to pass the proficiency examination, but he may be given a
30 certificate of attendance, in place of a diploma, if he has reached the
31 age of 17 years.

32 (b) *May retake the portion or portions of the examination that*
33 *he failed and must not be required to retake the portion or*
34 *portions that he passed.*

35 6. The State Board shall prescribe standard examinations of
36 achievement and proficiency to be administered pursuant to
37 subsection 1. The high school proficiency examination must include
38 the subjects of reading and mathematics and, except for the writing
39 portion prescribed pursuant to NRS 389.550, must be developed,
40 printed and scored by a nationally recognized testing company in
41 accordance with the process established by the testing company.
42 The examinations on reading, mathematics and science prescribed
43 for grades 4, 7 and 10 must be selected from examinations created
44 by private entities and administered to a national reference group,
45 and must allow for a comparison of the achievement and proficiency



1 of pupils in grades 4, 7 and 10 in this State to that of a national
2 reference group of pupils in grades 4, 7 and 10. The questions
3 contained in the examinations and the approved answers used for
4 grading them are confidential, and disclosure is unlawful except:

5 (a) To the extent necessary for administering and evaluating the
6 examinations.

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

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

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

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

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

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

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

23 389.015 1. The board of trustees of each school district shall
24 administer examinations in all public schools of the school district.
25 The governing body of a charter school shall administer the same
26 examinations in the charter school. The examinations administered
27 by the board of trustees and governing body must determine the
28 achievement and proficiency of pupils in:

29 (a) Reading;

30 (b) Mathematics; and

31 (c) Science.

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

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

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

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

43 (d) Administered in each school in accordance with the plan
44 adopted pursuant to NRS 389.616 by the Department and with the
45 plan adopted pursuant to NRS 389.620 by the board of trustees of



1 the school district in which the examinations are administered. The
2 Department shall monitor the compliance of school districts and
3 individual schools with:

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

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

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

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

27 (a) During a conference between the teacher of the pupil or
28 administrator of the school and the parent or legal guardian of the
29 pupil; or

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

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

36 4. If a pupil fails to demonstrate at least adequate achievement
37 on the examination administered before the completion of grade 4, 7
38 or 10, he may be promoted to the next higher grade, but the results
39 of his examination must be evaluated to determine what remedial
40 study is appropriate. If such a pupil is enrolled at a school that has
41 failed to make adequate yearly progress or in which less than 60
42 percent of the pupils enrolled in grade 4, 7 or 10 in the school who
43 took the examinations administered pursuant to this section received
44 an average score on those examinations that is at least equal to the
45 26th percentile of the national reference group of pupils to which the



1 examinations were compared, the pupil must, in accordance with the
2 requirements set forth in this subsection, complete remedial study
3 that is determined to be appropriate for the pupil.

4 5. If a pupil fails to pass the *high school* proficiency
5 examination ~~{administered before the completion of grade 11, he~~
6 ~~must}~~, *the pupil:*

7 (a) *Must* not be graduated until he is able, through remedial
8 study, to pass the proficiency examination, but he may be given a
9 certificate of attendance, in place of a diploma, if he has reached the
10 age of 17 years.

11 (b) *May retake the portion or portions of the examination that*
12 *he failed and must not be required to retake the portion or*
13 *portions that he passed.*

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

30 (a) To the extent necessary for administering and evaluating the
31 examinations.

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

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

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

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

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

42 (c) That specific questions and answers may be disclosed if the
43 Superintendent of Public Instruction determines that the content of
44 the questions and answers is not being used in a current examination



1 and making the content available to the public poses no threat to the
2 security of the current examination process.

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

4 389.0173 1. The Department shall develop an informational
5 pamphlet concerning the high school proficiency examination for
6 pupils who are enrolled in junior high, middle school and high
7 school, and their parents and legal guardians. The pamphlet must
8 include a written explanation of the:

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

12 (b) Subject areas tested on the examination;

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

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

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

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

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

25 (h) *If a version of the high school proficiency examination or*
26 *individual questions on the high school proficiency examination*
27 *have been released for availability to the public, the manner by*
28 *which the pupil and his parent or legal guardian may obtain a*
29 *copy of the released examination or questions; and*

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

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

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

42 4. The board of trustees of each school district shall provide a
43 copy of the pamphlet to each junior high, middle school or high
44 school within the school district for posting. The governing body of
45 each charter school shall ensure that a copy of the pamphlet is



1 posted at the charter school. Each principal of a junior high, middle
2 school, high school or charter school shall ensure that the teachers,
3 counselors and administrators employed at the school fully
4 understand the contents of the pamphlet.

5 5. On or before January 15, the:

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

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

14 **Sec. 9.** 1. This section and sections 1 and 2 of this act
15 become effective upon passage and approval.

16 2. Sections 3 to 6, inclusive, and 8 of this act become effective
17 on July 1, 2005.

18 3. Section 6 of this act expires by limitation on June 30, 2007.

19 4. Section 7 of this act becomes effective on July 1, 2007.



