

**Amendment No. 337**

Assembly Amendment to Assembly Bill No. 335

(BDR S-482)

**Proposed by:** Committee on Education**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend the bill as a whole by renumbering sections 1 through 6 as sections 3 through 8 and adding new sections designated sections 1 and 2, immediately following the enacting clause, to read as follows:

**“Section 1.** NRS 389.015 is hereby amended to read as follows:

FIRST  
PARALLEL  
SECTION

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.

KCR

Date: 4/18/2005

A.B. No. 335—Makes various changes regarding education and makes appropriations.



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

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

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

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

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

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

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

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

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

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

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

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

(4) Director of testing of a school district to the extent that it is necessary for the performance of his *duties; and*

*(5) A representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 to the extent that it 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. 2.** NRS 389.015 is hereby amended to read as follows:

SECOND  
PARALLEL  
SECTION

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) 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 the examinations, the superintendent of schools of each school district shall certify that the results of the

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

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

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

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

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

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency

examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

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

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

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

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

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

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



(4) Director of testing of a school district to the extent that it is necessary for the performance of his *duties; and*

***(5) A representative of the Statewide Council for the Coordination of the Regional Training Programs created by NRS 391.516 to the extent that it 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.”.

Amend section 1, page 2, line 25, by deleting “2” and inserting “4”.

Amend sec. 2, page 3, lines 6, 13 and 32, by deleting “1” and inserting “3”.

Amend sec. 5, page 5, by deleting lines 31 and 32 and inserting:

**“Sec. 7. 1. There is hereby created an Advisory Task Force to the Legislative Committee on Education for the Review of Certain Academic”.**

Amend sec. 5, page 5, line 36, after “The” by inserting:

“Chairman of the Legislative Committee on Education, upon recommendation of the”.

Amend sec. 5, page 6, line 12, by deleting “and”.

Amend sec. 5, page 6, line 14, by deleting “school.” and inserting:

“school;

(j) One teacher who provides instruction in an alternative education program of a school district or a program of adult education; and

(k) One school principal.

↪ The Chairman of the Legislative Committee on Education shall appoint a Chairman of the Advisory Task Force from among the members he appoints.”.

Amend sec. 5, page 6, by deleting lines 15 through 24.

Amend sec. 5, page 6, line 25, by deleting “7.” and inserting “3.”.

Amend sec. 5, pages 6 and 7, by deleting lines 34 through 43 on page 6 and lines 1 through 4 on page 7, and inserting:

“4. Each member of the Task Force is”.

Amend sec. 5, page 7, line 9, by deleting “nonlegislative”.

Amend sec. 5, page 7, lines 10 and 11, by deleting:

“by the Department of Education.” and inserting:

“from the Legislative Fund.”.

Amend sec. 6, page 7, line 14, by deleting “5” and inserting “7”.

Amend sec. 6, page 7, by deleting lines 17 through 28 and inserting:

“(1) The percentage of the examination questions that address the academic standards for grades 9 to 12, inclusive;

(2) The percentage of the examination questions that address the academic standards for kindergarten through grade 8, inclusive; and

(3) The percentage of the academic standards for grades 9 to 12, inclusive, which have been assigned priority for state testing by the Council to Establish Academic Standards for Public Schools and that are tested on the examination;

(b) Analyze whether the results of pupils on the high school proficiency examination are delivered in a timely manner to ensure that pupils are able to receive appropriate remediation before the next administration of the examination, including, without limitation, a review of:

(1) The test administration documents and guidelines of the testing company or the Department of Education, as applicable; and

(2) The efficiency of procedures carried out by school districts for the submission of the test booklets for scoring;

(c) Determine the methods and procedures that may be used to ensure more efficient and expedient delivery of the results of pupils on the high school proficiency examination to ensure that pupils who would benefit from remediation before the next administration of the examination are provided with an adequate opportunity to receive that remediation;”.

Amend sec. 6, page 7, line 29, by deleting “(c)” and inserting “(d)”.

Amend sec. 6, page 7, line 33, by deleting “(d)” and inserting “(e)”.

Amend sec. 6, page 7, line 38, by deleting “(e)” and inserting “(f)”.

Amend sec. 6, page 7, line 41, by deleting “(f)” and inserting “(g)”.

Amend sec. 6, page 7, by deleting lines 44 and 45 and inserting:

“(h) On or before August 1, 2006, submit a report of its findings and recommendations for legislation to the Legislative Committee on Education.

2. The Legislative Committee on Education shall consider the recommendations of the Task Force and shall, on or before February 1, 2007, submit the report of the Task Force to the Director of”.

Amend sec. 6, page 8, line 3, by deleting “2.” and inserting “3.”.

Amend sec. 6, page 8, line 10, by deleting “3.” and inserting “4.”.

Amend the bill as a whole by renumbering sections 7 through 9 as sections 10 through 12 and adding a new section designated sec. 9, following sec. 6, to read as follows:

“**Sec. 9.** 1. There is hereby created an Advisory Committee to the Legislative Committee on Education to study of the effectiveness of financial incentives and other methods of compensation to attract and retain qualified teachers, consisting of the following nine members appointed by the Chairman of the Legislative Committee on Education:

- (a) The Superintendent of Public Instruction, or his designee;
- (b) Three employees from various school districts who are responsible for recruiting teachers;
- (c) One representative of the Nevada State Education Association, recommended for appointment by the President of that Association;
- (d) One teacher employed by the Clark County School District, recommended for appointment by the superintendent of schools of that school district;
- (e) One teacher employed by the Washoe County School District, recommended for appointment by the superintendent of schools of that school district; and
- (f) From two rural school districts selected by the Department of Education, two teachers recommended for appointment by the superintendent of schools in each of the selected school districts.

2. Each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which he attends a meeting of the Advisory Committee or is otherwise engaged in the business of the Advisory Committee. Except for the Superintendent of Public Instruction, the per

diem allowance and travel expenses for the members of the Task Force must be paid from the Legislative Fund.

3. The Advisory Committee shall:

(a) Examine the effectiveness of financial incentives in attracting and retaining qualified teachers, including, without limitation, the signing bonuses provided to newly hired teachers by the 71st Session of the Nevada Legislature, section 4 of chapter 574, Statutes of Nevada 2001, at page 2899, and by the 72nd Session of the Nevada Legislature, paragraph (c) of subsection 2 of section 33 of chapter 327, Statutes of Nevada 2003, at page 1837, and the purchase of retirement credit required by NRS 391.165;

(b) Determine which financial incentives and other methods of compensation are most effective in recruiting and retaining qualified teachers, the appropriate level of those financial incentives and the feasibility of providing those incentives to the licensed teachers in this State; and

(c) Examine the feasibility and effectiveness of a pay schedule for teachers that is based on performance.

4. On or before August 1, 2006, the Advisory Committee shall submit a report of its findings and any recommendations for legislation to the Legislative Committee on Education. The Legislative Committee on Education shall consider the recommendations and submit the report of the Advisory Committee to the Director of the Legislative Counsel Bureau for transmission to the 74th Session of the Nevada Legislature.”.

Amend sec. 9, page 9, by deleting line 21 and inserting:

“**Sec. 12.** 1. This section and sections 1 and 3 to 11, inclusive, of this act become effective on July 1, 2005.

2. Section 1 of this act expires by limitation on June 30, 2007.

3. Section 2 of this act becomes effective on July 1, 2007.”.

Amend the title of the bill by deleting the seventh through fifteenth lines and inserting:

“authorizing the disclosure of certain confidential examinations to a representative of the Statewide Council for the coordination of the Regional Training Programs; creating advisory committees to the Legislative Committee on Education for the review of the high school proficiency examination and teacher incentives; requiring the Department of Education to review certain issues related to distance education; requiring the Legislative Committee on Education to review the transition of pupils from high”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes regarding education and makes appropriations.

(BDR 34-482)”.