

SENATE BILL NO. 110—SENATOR BEERS

FEBRUARY 19, 2007

JOINT SPONSORS: ASSEMBLYMEN GANSERT, BEERS, DENIS,  
GOEDHART, SETTELMAYER AND STEWART

Referred to Committee on Human Resources and Education

SUMMARY—Revises provisions governing the administration of examinations to pupils enrolled in the public schools. (BDR 34-474)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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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; restricting the number of examinations that may be administered by the boards of trustees of school districts and the governing bodies of charter schools in each school year; excluding from the restrictions the examinations required by federal law and certain other examinations and assessments; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the administration of the following examinations to pupils enrolled in the public schools: (1) examinations that are administered to a national reference group of pupils in grades 4, 7 and 10 (norm-referenced tests or NRTs); (2) examinations that assess the progress of pupils on the state standards of content and performance in grades 3 through 8 (criterion-referenced tests or CRTs); (3) the high school proficiency examination which pupils must pass to receive a standard high school diploma; and (4) examinations of the National Assessment of Educational Progress. (NRS 389.012, 389.015, 389.550) With the exception of the NRTs, the administration of these examinations is required by the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.

**Section 5** of this bill eliminates the requirement that each school district and each charter school administer the NRTs to pupils. In addition to the CRTs, the high school proficiency examination and any other examination required by federal



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14 law, each school district and each charter school may administer one additional  
15 examination per grade level each school year to pupils enrolled in kindergarten and  
16 grades 1 to 12, inclusive. The State Board of Education is required to prescribe the  
17 additional examinations that may be administered, and the Department of  
18 Education is required to maintain a list of those additional examinations.

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

1     **Section 1.** NRS 385.34692 is hereby amended to read as  
2 follows:

3     385.34692 1. The State Board shall prepare a summary of the  
4 annual report of accountability prepared pursuant to NRS 385.3469  
5 that includes, without limitation, a summary of the following  
6 information for each school district, each charter school and the  
7 State as a whole:

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

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

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

14       (3) With disabilities;

15       (4) Who are limited English proficient; and

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

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

20     (c) The transiency rate of pupils;

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

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

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

26       (1) Violence to other pupils or to school personnel;

27       (2) Possession of a weapon;

28       (3) Distribution of a controlled substance;

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

30       (5) Possession or use of alcohol;

31     (g) For kindergarten through grade 8, the number and  
32 percentage of pupils who are retained in the same grade;

33     (h) For grades 9 to 12, inclusive, the number and percentage of  
34 pupils who are deficient in the number of credits required for  
35 promotion to the next grade or graduation from high school;



(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the examinations administered pursuant to NRS 389.550 and the high school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to *subsection 2 of* NRS 389.015 ~~for grades 4, 7 and 10;~~ *, if a school district or charter school elected to administer examinations pursuant to that subsection;* and

(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 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 will likely understand.

3. On or before September 7 of each year, the State Board shall:

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

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

(1) Governor;



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- (2) Committee;
- (3) Bureau;
- (4) Board of Regents of the University of Nevada;
- (5) Board of trustees of each school district; and
- (6) Governing body of each charter school.

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

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

**Sec. 2.** NRS 385.389 is hereby amended to read as follows:

385.389 1. The Department shall adopt programs of remedial study for each subject tested on the ~~[examinations]~~ *high school proficiency examination* administered pursuant to NRS 389.015 ~~[.]~~ *and the examinations administered pursuant to NRS 389.550,* including, without limitation, programs that are designed for pupils who are limited English proficient. The programs adopted for pupils who are limited English proficient must be designed to:

(a) Improve the academic achievement of those pupils; or

(b) Assist those pupils with attaining proficiency in the English language.

➤ In adopting these programs of remedial study, the Department shall consider the recommendations submitted by the Committee pursuant to NRS 218.5354 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. ~~If a school fails to make adequate yearly progress or if less than 60 percent of the pupils enrolled in a school who took the examinations administered pursuant to NRS 389.015 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 school shall adopt a program of remedial study that has been adopted by the Department pursuant to subsection 1 or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable.~~



~~3. A school district that includes a school described in subsection 2]~~ *Each school* shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the ~~[examinations]~~ *high school proficiency examination* administered pursuant to NRS 389.015 ~~or the examinations administered pursuant to NRS 389.550~~ completes ~~in accordance with the requirements set forth in subsection 4 of NRS 389.015,~~ remedial study that is determined to be appropriate for the pupil. *The remedial study must be a program adopted by the Department pursuant to subsection 1 or a program, practice or strategy recommended by the Commission on Educational Excellence pursuant to NRS 385.3785, or any combination thereof, as applicable for the pupil.*

**Sec. 3.** NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the ~~[achievement and proficiency examinations]~~ *high school proficiency examination* administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.



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1 (h) Comply with applicable statutes and regulations governing  
2 the achievement and proficiency of pupils in this State.

3 (i) Provide instruction in the core academic subjects set forth in  
4 subsection 1 of NRS 389.018, as applicable for the grade levels of  
5 pupils who are enrolled in the charter school, and provide at least  
6 the courses of study that are required of pupils by statute or  
7 regulation for promotion to the next grade or graduation from a  
8 public high school and require the pupils who are enrolled in the  
9 charter school to take those courses of study. This paragraph does  
10 not preclude a charter school from offering, or requiring the pupils  
11 who are enrolled in the charter school to take, other courses of study  
12 that are required by statute or regulation.

13 (j) If the parent or legal guardian of a child submits an  
14 application to enroll in kindergarten, first grade or second grade at  
15 the charter school, comply with NRS 392.040 regarding the ages for  
16 enrollment in those grades.

17 (k) Refrain from using public money to purchase real property  
18 or buildings without the approval of the sponsor.

19 (l) Hold harmless, indemnify and defend the sponsor of the  
20 charter school against any claim or liability arising from an act or  
21 omission by the governing body of the charter school or an  
22 employee or officer of the charter school. An action at law may not  
23 be maintained against the sponsor of a charter school for any cause  
24 of action for which the charter school has obtained liability  
25 insurance.

26 (m) Provide written notice to the parents or legal guardians of  
27 pupils in grades 9 to 12, inclusive, who are enrolled in the charter  
28 school of whether the charter school is accredited by the  
29 Commission on Schools of the Northwest Association of Schools  
30 and of Colleges and Universities.

31 (n) Adopt a final budget in accordance with the regulations  
32 adopted by the Department. A charter school is not required to adopt  
33 a final budget pursuant to NRS 354.598 or otherwise comply with  
34 the provisions of chapter 354 of NRS.

35 (o) If the charter school provides a program of distance  
36 education pursuant to NRS 388.820 to 388.874, inclusive, comply  
37 with all statutes and regulations that are applicable to a program of  
38 distance education for purposes of the operation of the program.

39 2. A charter school shall not provide instruction through a  
40 program of distance education to children who are exempt from  
41 compulsory attendance authorized by the State Board pursuant to  
42 subsection 1 of NRS 392.070. As used in this subsection, "distance  
43 education" has the meaning ascribed to it in NRS 388.826.



**Sec. 4.** NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district, the governing body of a charter school or a committee to form a charter school to provide a program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a program of distance education, consistent with NRS 388.850;

(d) A method for reporting to the Department the number of pupils who are enrolled in a program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program of distance education, which must include, without limitation, the administration of the *high school proficiency examination required pursuant to NRS 389.015 and the* achievement and proficiency examinations required pursuant to NRS ~~[389.015 and]~~ 389.550; and

(f) A written description of the process pursuant to which the State Board may revoke its approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the provisions of NRS 388.820 to 388.874, inclusive.

**Sec. 5.** NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer ~~[examinations]~~ *the high school proficiency examination* in all public *high* schools of the school district ~~[. The]~~ *before the completion of grade 11. If a charter school operates as a high school, the* governing body of ~~[a]~~ *the* charter school shall administer the same ~~[examinations]~~ *examination* in the charter school. The ~~[examinations administered by the board of trustees and governing body]~~ *high school proficiency examination* must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Science.

2. ~~[The examinations]~~ *Except as otherwise provided in subsection 3, in addition to the high school proficiency examination and the examinations administered to pupils enrolled*



1 *in grades 3 to 8, inclusive, pursuant to NRS 389.550, the board of*  
2 *trustees of a school district and the governing body of a charter*  
3 *school may administer not more than one additional examination*  
4 *per grade level to pupils enrolled in kindergarten and grades 1 to*  
5 *12, inclusive, in each school year. If the board of trustees or*  
6 *governing body administers such examinations, the examinations*  
7 *must be selected from the list prepared by the Department*  
8 *pursuant to subsection 4.*

9 3. *The limitation on the administration of examinations set*  
10 *forth in this section does not apply to:*

11 (a) *Examinations that are required by federal law, including,*  
12 *without limitation, the examinations of the National Assessment of*  
13 *Educational Progress described in NRS 389.012;*

14 (b) *Examinations that are necessary to determine the special*  
15 *educational needs of pupils, including, without limitation,*  
16 *assessments to measure the oral language skills, comprehension*  
17 *skills, reading skills and writing skills of pupils who are limited*  
18 *English proficient; or*

19 (c) *Individual classroom tests and assessments administered by*  
20 *a teacher and not on a district-wide basis.*

21 4. *The State Board shall prescribe the examinations that may*  
22 *be administered in the public schools pursuant to subsection 2,*  
23 *including, without limitation, examinations that are administered*  
24 *to a national reference group of pupils. The Department shall:*

25 (a) *Prepare and maintain a list that includes the examinations*  
26 *prescribed by the State Board;*

27 (b) *Provide the list to the board of trustees of each school*  
28 *district and the governing body of each charter school; and*

29 (c) *Make the list available to the general public upon request.*

30 5. *The high school proficiency examination required by*  
31 *subsection 1 must be:*

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

34 ~~—(b) Administered~~ *be administered* *in each school district and*  
35 *each charter school at the same time* ~~[during the spring semester.~~  
36 ~~The time for the administration of the examinations must be]~~ , *as*  
37 *prescribed by the State Board.*

38 ~~[(e)]~~ 6. *The high school proficiency examination required by*  
39 *subsection 1 and the examinations authorized by subsection 2*  
40 *must be:*

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





~~[(4)]~~ (b) 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)]~~ (c) 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-)]~~ 7. Not more than 14 working days after the results of the examinations *administered pursuant to this section* are reported to the Department by ~~[(a)]~~ *the* 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.]~~ 8. If a pupil fails to pass the *high school* 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.]~~ 9. The State Board shall prescribe ~~[standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The]~~ *the* high school proficiency examination *which* 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.]~~

10. The questions contained in the examinations *administered pursuant to this section* 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.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of



1 the questions and answers is not being used in a current examination  
2 and making the content available to the public poses no threat to the  
3 security of the current examination process.

4 **Sec. 6.** NRS 389.017 is hereby amended to read as follows:

5 389.017 1. The State Board shall adopt regulations requiring  
6 that each board of trustees of a school district and each governing  
7 body of a charter school submit to the Superintendent of Public  
8 Instruction and the Department, in the form and manner prescribed  
9 by the Superintendent, the results of ~~achievement and proficiency~~  
10 *the* examinations administered pursuant to NRS 389.015 to public  
11 school pupils of the district and charter schools. The State Board  
12 shall not include in the regulations any provision which would  
13 violate the confidentiality of the test scores of any individual pupil.

14 2. The results of examinations must be reported for each  
15 school, including, without limitation, each charter school, school  
16 district and this State, as follows:

17 (a) The average score, as defined by the Department, of pupils  
18 who took the examinations under regular testing conditions; and

19 (b) The average score, as defined by the Department, of pupils  
20 who took the examinations with modifications or accommodations,  
21 if such reporting does not violate the confidentiality of the test  
22 scores of any individual pupil.

23 3. Not later than 10 days after the Department receives the  
24 results of the ~~achievement and proficiency~~ examinations, the  
25 Department shall transmit a copy of the results of the examinations  
26 administered pursuant to NRS 389.015 to the Legislative Bureau of  
27 Educational Accountability and Program Evaluation in a manner  
28 that does not violate the confidentiality of the test scores of any  
29 individual pupil.

30 4. On or before July 1 of each year, each school district and  
31 each charter school shall report to the Department the following  
32 information for each examination administered in the public schools  
33 in the school district or charter school:

34 (a) The examination administered;

35 (b) The grade level or levels of pupils to whom the examination  
36 was administered;

37 (c) The costs incurred by the school district or charter school in  
38 administering each examination; and

39 (d) The purpose, if any, for which the results of the examination  
40 are used by the school district or charter school.

41 ➔ On or before September 1 of each year, the Department shall  
42 transmit to the Budget Division of the Department of  
43 Administration and the Fiscal Analysis Division of the Legislative  
44 Counsel Bureau the information submitted to the Department  
45 pursuant to this subsection.



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5. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the *high school proficiency examination and any other* examinations ~~required~~ *administered* pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations.

6. In addition to the information required by subsection 4, the Superintendent of Public Instruction shall ~~;~~

~~—(a) Report~~ *report* the number of pupils who were absent from school on the day that the examinations were administered. ~~;~~ *and*

~~—(b) Reconcile~~ *For the high school proficiency examination, the report must also reconcile* the number of pupils who were required to take the ~~examinations~~ *examination* with the number of pupils who were absent from school on the day that the examinations were administered.

**Sec. 7.** NRS 389.620 is hereby amended to read as follows:

389.620 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➤ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:



1 (a) The State Board; and

2 (b) The Legislative Committee on Education, created pursuant  
3 to NRS 218.5352.

4 4. On or before September 30 of each school year, the board of  
5 trustees of each school district and the governing body of each  
6 charter school shall provide a written notice regarding the  
7 examinations to all teachers and educational personnel employed by  
8 the school district or governing body, all personnel employed by the  
9 school district or governing body who are involved in the  
10 administration of the examinations, all pupils who ~~[are required to]~~  
11 take the examinations and all parents and legal guardians of such  
12 pupils. The written notice must be prepared in a format that is easily  
13 understood and must include, without limitation, a description of  
14 the:

15 (a) Plan adopted pursuant to this section; and

16 (b) Action that may be taken against personnel and pupils for  
17 violations of the plan or for other irregularities in testing  
18 administration or testing security.

19 5. As used in this section:

20 (a) "Examination" means ~~[-~~

21 ~~— (1) Achievement and proficiency]~~ *the* examinations that are  
22 administered to pupils pursuant to NRS 389.015 or 389.550. ~~[- and-~~

23 ~~— (2) Any other examinations which measure the achievement~~  
24 ~~and proficiency of pupils and which are administered to pupils on a~~  
25 ~~district-wide basis.]~~

26 (b) "Irregularity in testing administration" means the failure to  
27 administer an examination in the manner intended by the person or  
28 entity that created the examination.

29 (c) "Irregularity in testing security" means an act or omission  
30 that tends to corrupt or impair the security of an examination,  
31 including, without limitation:

32 (1) The failure to comply with security procedures adopted  
33 pursuant to this section or NRS 389.616;

34 (2) The disclosure of questions or answers to questions on an  
35 examination in a manner not otherwise approved by law; and

36 (3) Other breaches in the security or confidentiality of the  
37 questions or answers to questions on an examination.

38 **Sec. 8.** NRS 389.632 is hereby amended to read as follows:

39 389.632 1. If the Department determines:

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

44 (b) That in the immediately succeeding school year, at least one  
45 additional irregularity in testing administration occurred at that



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1 school on the examinations administered pursuant to NRS 389.015,  
2 excluding the high school proficiency examination; and

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

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

21 2. If the Department determines that:

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

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

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

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



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1 pay for all costs related to the administration of the examinations to  
2 pupils enrolled in the charter school.

3 3. If the Department determines that:

4 (a) At least one irregularity in testing administration occurred at  
5 a school, including, without limitation, a charter school, during 1  
6 school year on the examinations administered pursuant to NRS  
7 389.015, excluding the high school proficiency examination;

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

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

15 ➔ the Department shall notify the school and the school district in  
16 which the school is located that the school is required to provide for  
17 an additional administration of the examinations to pupils who are  
18 enrolled in a grade that is required to take the examinations pursuant  
19 to NRS 389.550 or to the pupils the Department determines must  
20 take the additional administration pursuant to subsection 6. The  
21 additional administration must occur in the same school year in  
22 which the irregularity described in paragraph (b) occurred. Except  
23 as otherwise provided in this subsection, the school district shall pay  
24 for all costs related to the administration of examinations pursuant  
25 to this subsection. If a charter school is required to administer  
26 examinations pursuant to this subsection, the charter school shall  
27 pay for all costs related to the administration of the examinations to  
28 pupils enrolled in the charter school.

29 4. If the Department determines that:

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

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

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

41 ➔ the Department shall notify the school and the school district in  
42 which the school is located that the school is required to provide for  
43 an additional administration of the examinations to pupils who are  
44 enrolled in a grade that ~~is required to take~~ took the examinations  
45 ~~pursuant to NRS 389.015,~~ described in paragraph (b), excluding



1 the high school proficiency examination, or to the pupils the  
2 Department determines must take the additional administration  
3 pursuant to subsection 6. The additional administration must occur  
4 in the same school year in which the irregularity described in  
5 paragraph (b) occurred. Except as otherwise provided in this  
6 subsection, the school district shall pay for all costs related to the  
7 administration of examinations pursuant to this subsection. If a  
8 charter school is required to administer examinations pursuant to  
9 this subsection, the charter school shall pay for all costs related to  
10 the administration of the examinations to pupils enrolled in the  
11 charter school.

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

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

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

20 6. If the Department determines pursuant to subsection 5 that a  
21 school must provide for an additional administration of  
22 examinations, the Department may consider whether the most recent  
23 irregularity in testing administration affected the test scores of a  
24 limited number of pupils and require the school to provide an  
25 additional administration of examinations pursuant to this section  
26 only to those pupils whose test scores were affected by the most  
27 recent irregularity.

28 7. The Department shall provide as many notices pursuant to  
29 this section during 1 school year as are applicable to the  
30 irregularities occurring at a school. A school shall provide for  
31 additional administrations of examinations pursuant to this section  
32 within 1 school year as applicable to the irregularities occurring at  
33 the school.

34 **Sec. 9.** NRS 389.644 is hereby amended to read as follows:

35 389.644 1. The Department shall establish a program of  
36 education and training regarding the administration and security of  
37 the examinations administered pursuant to NRS 389.015 and  
38 389.550. Upon approval of the Department, the board of trustees of  
39 a school district or the governing body of a charter school may  
40 establish an expanded program of education and training that  
41 includes additional education and training if the expanded program  
42 complies with the program established by the Department.

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



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(a) All the teachers and other educational personnel who provide instruction to pupils enrolled in a grade level that is ~~required to be~~ tested pursuant to NRS 389.015 or 389.550, and all other personnel who are involved with the administration of the examinations that are administered pursuant to NRS 389.015 or 389.550, receive, on an annual basis, the program of education and training established by the Department or the expanded program, if applicable; and

(b) The training and education is otherwise available for all personnel who are not required to receive the training and education pursuant to paragraph (a).

**Sec. 10.** NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the ~~achievement and proficiency~~ examinations that are administered pursuant to NRS 389.015;

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620; or



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(s) An intentional violation of NRS 388.5265 or 388.527.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

**Sec. 11.** NRS 391.330 is hereby amended to read as follows:

391.330 The State Board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.

2. Evident unfitness for service.

3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.

4. Conviction of a felony or crime involving moral turpitude.

5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230, 201.540 or 201.560 in which a pupil enrolled in a school of a county school district was the victim.

6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.

7. Persistent defiance of or refusal to obey the regulations of the State Board, the Commission or the Superintendent of Public Instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the ~~[achievement and proficiency]~~ examinations that are administered pursuant to NRS 389.015.

9. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620.

10. An intentional violation of NRS 388.5265 or 388.527.

**Sec. 12.** NRS 391.604 is hereby amended to read as follows:

391.604 "Examination" means ~~[-~~

~~1. Achievement and proficiency]~~ *the* examinations that are administered to pupils pursuant to NRS 389.015 or 389.550. ~~[-and~~

~~2. Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.]~~

**Sec. 13.** NRS 392A.110 is hereby amended to read as follows:

392A.110 1. At least 70 percent of the teachers employed by a university school for profoundly gifted pupils must be licensed teachers.



2. A university school for profoundly gifted pupils shall administer to its pupils the *high school proficiency examination required by NRS 389.015 and the* achievement and proficiency examinations required by NRS ~~389.015 and~~ 389.550.

**Sec. 14.** NRS 218.5354 is hereby amended to read as follows:

218.5354 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the ~~examinations~~ *high school proficiency examination* administered pursuant to NRS 389.015 ~~and the examinations administered pursuant to NRS 389.550~~. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.



1 (c) Recommend to the Department of Education providers of  
2 supplemental educational services for inclusion on the list of  
3 approved providers prepared by the Department pursuant to NRS  
4 385.384. In recommending providers, the Committee shall consider  
5 providers with a demonstrated record of effectiveness in improving  
6 the academic achievement of pupils.

7 (d) For the purposes set forth in NRS 385.3785, recommend to  
8 the Commission on Educational Excellence created by NRS  
9 385.3784 programs, practices and strategies that have proven  
10 effective in improving the academic achievement and proficiency of  
11 pupils.

12 **Sec. 15.** This act becomes effective on July 1, 2007.

