

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; revising provisions governing the administration of tests, examinations and assessments by the boards of trustees of school districts; 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 2 of this bill limits the district-wide tests, examinations and assessments that the board of trustees of a school district may administer between July 1, 2007, and January 1, 2009.

Section 3 of this bill authorizes the board of trustees of each school district to require, beginning on January 1, 2009, the administration of district-wide tests, examinations and assessments that the board of trustees determines are vital to measuring pupil achievement and progress.



Section 4 of this bill requires the board of trustees of each school district to submit a report to the Legislative Committee on Education concerning the testing of pupils within the school district during the 2006-2007 school year.

WHEREAS, The Federal Government and the Nevada Legislature have imposed upon Nevada's public schools progressively more stringent requirements to demonstrate improved academic performance of pupils; and

WHEREAS, As a result of these requirements, the public schools in this State are required to administer an increasing number of standardized tests to pupils, including norm-referenced tests, criterion-referenced tests, proficiency tests and tests of the National Assessment of Educational Progress; and

WHEREAS, The school districts and charter schools in this State currently administer a variety of tests other than those required by state and federal law; and

WHEREAS, A recent report by the State Board of Education indicates that, in the aggregate, the task of preparing for and administering all these tests in schools throughout this State annually consumes hundreds of employee hours and costs at least \$13 million; and

WHEREAS, Although there is an undeniable need for test data to evaluate the progress of Nevada's public schools and pupils in meeting the standards of academic performance, the Legislature hereby expresses that the demands for statistical information should not be allowed to unnecessarily divert the time for teachers and pupils to accomplish the work required to meet those standards; and

WHEREAS, Assembly Bill No. 484 of this Session, if enacted, requires the Legislative Committee on Education to study the issue of testing during the 2007-2009 interim, including, without limitation, the quantity and quality of tests administered in the public schools; and

WHEREAS, Pending completion of the study required by Assembly Bill No. 484 of this Session, if enacted, and potential action by the Legislature in response to the recommendations of that study, the members of the 74th Session of the Legislature hereby deem it appropriate to impose a moratorium on the administration of any test that is not mandated by state or federal law or of any test that was not adopted by a school district before July 1, 2007, now, therefore,



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 and 3 of this act.

Sec. 2. 1. *Except as otherwise provided in subsection 2, the board of trustees of a school district shall not administer a district-wide test, examination or assessment unless that test, examination or assessment:*

(a) Is required by state or federal law; or

(b) Was adopted by the school district before July 1, 2007.

2. *The provisions of this section do not apply to a test, examination or assessment that a pupil voluntarily takes without a district-wide requirement, including, without limitation, an advanced placement examination.*

Sec. 3. 1. *In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.*

2. *The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.*

3. *The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.*

Sec. 4. 1. The board of trustees of each school district shall prepare and submit to the Legislative Committee on Education on or before March 1, 2008, a report concerning testing of pupils within the school district during the 2006-2007 school year.

2. The report required pursuant to subsection 1 must include:

(a) The number of hours pupils in the district spend in testing;

(b) The number of hours that teachers and other licensed educational personnel and educational support staff employed by the school district spend in the administration of tests and other activities relating to testing;



(c) The best practices adopted by the district with respect to using testing time efficiently in comparison with using the time for instruction; and

(d) Any recommendations for legislative changes or changes in practices with respect to the testing of pupils.

Sec. 5. In making the determination required by subsection 1 of section 3 of this act concerning tests, examinations and assessments, the board of trustees of each school district shall consider the results of the study conducted by the Legislative Committee on Education pursuant to Assembly Bill No. 484 of this Session, if enacted, and recommendations made by the Committee as a result of that study.

Sec. 6. 1. This section and sections 1, 2, 4 and 5 of this act become effective on July 1, 2007.

2. Section 3 of this act becomes effective on January 1, 2009.

3. Section 2 of this act expires by limitation on January 1, 2009.

