

SENATE BILL NO. 416—COMMITTEE ON FINANCE

(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

APRIL 28, 2009

Referred to Committee on Finance

SUMMARY—Eliminates the requirement for the administration of norm-referenced examinations in public schools. (BDR 34-1216)

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; eliminating the requirement for the administration of norm-referenced examinations in public schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district and the governing body of each charter school to administer norm-referenced examinations in grades 4, 7 and 10 which compare the results of pupils to a national reference group of pupils. Existing law also requires the administration of a high school proficiency examination. (NRS 389.015) **Section 4** of this bill eliminates the requirement for the administration of norm-referenced examinations. The remaining sections of this bill revise existing law to delete references to the norm-referenced examinations.

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

Section 1. NRS 385.34692 is hereby amended to read as follows:
385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following



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1 information for each school district, each charter school and the
2 State as a whole:

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

5 (1) Who are economically disadvantaged, as defined by the
6 State Board;

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

9 (3) With disabilities;

10 (4) Who are limited English proficient; and

11 (5) Who are migratory children, as defined by the State
12 Board;

13 (b) The average daily attendance of pupils, reported separately
14 for the groups identified in paragraph (a);

15 (c) The transiency rate of pupils;

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

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

19 (f) The number of incidents resulting in suspension or expulsion
20 for:

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

22 (2) Possession of a weapon;

23 (3) Distribution of a controlled substance;

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

25 (5) Possession or use of alcohol;

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

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

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

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

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

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

39 (1) Standard diploma;

40 (2) Adult diploma;

41 (3) Adjusted diploma; and

42 (4) Certificate of attendance;

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



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- 1 (n) Per pupil expenditures;
- 2 (o) Information on the professional qualifications of teachers;
- 3 (p) The average daily attendance of teachers and licensure
- 4 information;
- 5 (q) Information on the adequate yearly progress of the schools
- 6 and school districts;
- 7 (r) Pupil achievement based upon the examinations administered
- 8 pursuant to NRS 389.550 and the high school proficiency
- 9 examination ~~;~~
- 10 ~~—(s) To the extent practicable, pupil achievement based upon the~~
- 11 ~~examinations} administered pursuant to NRS 389.015 {for grades 4,~~
- 12 ~~7 and 10; and~~
- 13 ~~—(t) ; and~~
- 14 (s) Other information required by the Superintendent of Public
- 15 Instruction in consultation with the Bureau.

16 2. The summary prepared pursuant to subsection 1 must:

17 (a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations

18 adopted pursuant thereto;

19 (b) Be prepared in a concise manner; and

20 (c) Be presented in an understandable and uniform format and,

21 to the extent practicable, provided in a language that parents will

22 likely understand.

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

24 shall:

25 (a) Provide for public dissemination of the summary prepared

26 pursuant to subsection 1 by posting the summary on the Internet

27 website maintained by the Department; and

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

29 (1) Governor;

30 (2) Committee;

31 (3) Bureau;

32 (4) Board of Regents of the University of Nevada;

33 (5) Board of trustees of each school district; and

34 (6) Governing body of each charter school.

35 4. The board of trustees of each school district and the

36 governing body of each charter school shall ensure that the parents

37 and guardians of pupils enrolled in the school district or charter

38 school, as applicable, have sufficient information concerning the

39 availability of the summary prepared by the State Board pursuant to

40 subsection 1, including, without limitation, information that

41 describes how to access the summary on the Internet website

42 maintained by the Department. Upon the request of a parent or

43 guardian of a pupil, the Department shall provide the parent or

44 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 administered pursuant to NRS 389.015 ~~and~~ **and 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 ~~for 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,]~~ **based upon the results of the examinations administered pursuant to NRS 389.015 or 389.550**, 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 shall ensure that each of the pupils enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 **or 389.550, as applicable**, 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.

Sec. 3. NRS 385.3891 is hereby amended to read as follows:

385.3891 1. The Department shall establish a monitoring system for the statewide system of accountability. The monitoring system must **;**

~~—(a) Include a common formula that provides a comparison and analysis of the results of pupils on the examinations that are administered pursuant to NRS 389.015 and 389.550, identified by grade, school and school district.~~



~~(b) Identify any inconsistencies of the results of the examinations administered pursuant to NRS 389.015 compared with the results of the examinations administered pursuant to NRS 389.550, including, without limitation, an identification of whether the results of one or more subject areas on the examinations administered pursuant to NRS 389.015 are significantly higher or lower than the results of the same subject area or areas on the examinations that are administered pursuant to NRS 389.550.~~

~~(c) Identify~~ **identify** significant levels of achievement of pupils on the examinations that are administered pursuant to NRS 389.550 and the high school proficiency examination that is administered pursuant to NRS 389.015, identified by school and by school district.

~~[(d) Include procedures for investigating, and if necessary, auditing any inconsistencies identified pursuant to paragraph (b). The audit must include a review of data from the applicable school district or school districts, school or schools, and if practicable, class or classes.]~~

2. On or before October 1 of each year, the Department shall prepare a written summary of the findings made pursuant to subsection 1. The written summary must be provided to:

(a) The Committee; and

(b) If the findings show inconsistencies applicable to a particular school district or school within a school district, the board of trustees of that school district.

3. The Committee shall review the report submitted pursuant to subsection 2 and take such action as it deems appropriate.

Sec. 4. 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 governing body of a charter school **that enrolls pupils at the high school grade levels** shall administer the same ~~[examinations]~~ **examination** 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 **that enrolls pupils at the high school grade levels** at the same time



~~{during the spring semester. The time for the administration of the examinations must be}~~, as prescribed by the State Board ~~{-~~

~~—(c) Administered in each school}~~, and 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)}~~ (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. 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 of each subject area that the pupil failed as soon as practicable



1 but not later than 15 working days after the school receives the
2 results of the examination.

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

16 —5.] If a pupil fails to pass the high school proficiency
17 examination, he must not be graduated unless he:

18 (a) Is able, through remedial study, to pass the proficiency
19 examination; or

20 (b) Passes the subject areas of mathematics and reading tested
21 on the proficiency examination, has at least a 2.75 grade point
22 average on a 4.0 grading scale and satisfies the alternative criteria
23 prescribed by the State Board pursuant to NRS 389.805,

24 but he may be given a certificate of attendance, in place of a
25 diploma, if he has reached the age of 18 years.

26 ~~[6.] 5. The State Board shall prescribe standard examinations~~
27 ~~of achievement and proficiency to be administered pursuant to~~
28 ~~subsection 1. The high school proficiency examination must include~~
29 ~~the subjects of reading, mathematics and science and, except for the~~
30 ~~writing portion prescribed pursuant to NRS 389.550, must be~~
31 ~~developed, printed and scored by a nationally recognized testing~~
32 ~~company in accordance with the process established by the testing~~
33 ~~company. [The examinations on reading, mathematics and science~~
34 ~~prescribed for grades 4, 7 and 10 must be selected from~~
35 ~~examinations created by private entities and administered to a~~
36 ~~national reference group, and must allow for a comparison of the~~
37 ~~achievement and proficiency of pupils in grades 4, 7 and 10 in this~~
38 ~~State to that of a national reference group of pupils in grades 4, 7~~
39 ~~and 10.] The questions contained in the examinations and the~~
40 ~~approved answers used for grading them are confidential, and~~
41 ~~disclosure is unlawful except:~~

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

44 (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 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.

(d) As required pursuant to NRS 239.0115.

Sec. 5. NRS 389.632 is hereby amended to read as follows:

389.632 1. ~~If the Department determines:~~

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

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

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

~~→ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.~~

~~—2.]~~ If the Department determines that:



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

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

(c) Based upon the criteria set forth in subsection ~~5.1~~ 2, the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

↳ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection ~~6.1~~ 3. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.

~~[3. — If the Department determines that:~~

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

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

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

~~↳ the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. Except~~



~~as otherwise provided in this subsection, the school district shall pay for all costs related to the administration of examinations pursuant to this subsection. If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.~~

~~4. If the Department determines that:~~

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

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

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

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

~~5.] 2.~~ In determining whether to require a school to provide for an additional administration of examinations pursuant to this section, the Department shall consider:

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

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

~~[6.] 3.~~ If the Department determines pursuant to subsection ~~[5]~~ 2 that a school must provide for an additional administration of examinations, the Department may consider whether the most recent irregularity in testing administration affected the test scores of a



1 limited number of pupils and require the school to provide an
2 additional administration of examinations pursuant to this section
3 only to those pupils whose test scores were affected by the most
4 recent irregularity.

5 ~~[7-]~~ 4. The Department shall provide as many notices pursuant
6 to this section during 1 school year as are applicable to the
7 irregularities occurring at a school. A school shall provide for
8 additional administrations of examinations pursuant to this section
9 within 1 school year as applicable to the irregularities occurring at
10 the school.

11 **Sec. 6.** NRS 389.640 is hereby repealed.

12 **Sec. 7.** This act becomes effective on July 1, 2009.

TEXT OF REPEALED SECTION

389.640 Establishment of statewide program for preparation of pupils to take examinations; compliance with program required of school districts and schools; use of additional materials and information.

1. The Department shall establish a statewide program for use by schools and school districts in their preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination. The program must:

(a) Be designed to ensure the consistency and uniformity of all materials and other information used in the preparation for the examinations; and

(b) Be designed to ensure that the actual examinations administered pursuant to NRS 389.015 are not included within the materials and other information used for preparation.

2. If a school, including, without limitation, a charter school, or a school district provides preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination, the school or school district shall comply with the program established pursuant to subsection 1. A school district may use and provide additional materials and information if the materials and information comply with the program established by the Department. A school, including, without limitation, a charter school, shall use only those materials and information that have been approved or provided by the Department or the school district.

